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Sunshine Ordinance Task Force



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<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Tuesday, January 5, 2010  
4:00 p.m., City Hall, Room 408

GOVERNMENT  
DOCUMENTS DEPT

DEC 31 2009

**Task Force Members**

Seat 1 Erica Craven-Green (Vice Chair)  
Seat 2 Richard Knee (Chair)  
Seat 3 Sue Cauthen  
Seat 4 Suzanne Manneh  
Seat 5 Allyson Washburn  
Seat 6 James Knoebber  
Seat 7 Doyle Johnson

Seat 8 Kristin Chu  
Seat 9 Hanley Chan  
Seat 10 Nick Goldman  
Seat 11 Marjorie Ann Williams  
Ex-officio Angela Calvillo  
Ex-officio (Vacant)

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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Approval of December 1, 2009, special meeting minutes. (action item) (5 min)
2. 09074 Determination of jurisdiction on complaint filed by Kimo Crossman against the Ethics Commission for allegedly violating Sec. 67.24 (h) (g) (i) by invoking exemptions not allowed under the Sunshine Ordinance. (action item) (5 min) (attachment)
3. 09074 Hearing on complaint filed by Kimo Crossman against the Ethics Commission for allegedly violating Sec. 67.24 (h) (g) (i) by invoking exemptions not allowed under the Sunshine Ordinance. (action item) (15 min) (attachment)
4. 09039 The Compliance and Amendments Committee has recommended to the Task Force that 09039 Rita O'Flynn against the Mayor's Office of Housing be referred to the Ethics Commission for willful violation under Sections 67.30, 67.34 and 67.21 (e) of the Ordinance. (action item) (attachment) (15 min)
5. 09057 The Compliance and Amendments Committee has forwarded to the Task Force 09057 Peter Warfield against the Clerk of the Board for failure to comply with the Order of Determination. (action item) (attachment) (15 min)

6. 09069 Hearing on complaint filed by the Asian Law Caucus against the Mayor's Office for alleged failure to respond to information requests. (action item) (attachment) (15 min)
7. 09072 Determination of jurisdiction on complaint filed by Anmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No. 070815. (action item) (attachment) (5 min)
8. 09072 Hearing on complaint filed by Anmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No. 070815. (action item) (attachment) (15 min)
9. 09073 Determination of jurisdiction on complaint filed by Anmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No. 090717.. (action item) (attachment) (5 min)
10. 09073 Hearing on complaint filed by Anmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No. 090717. (action item) (attachment) (15 min)
11. 09075 Determination of jurisdiction on complaint filed by Bred Starr against the City Attorney's Office for allegedly withholding public information. (action item) (attachment) (5 min)
12. 09075 Hearing on complaint filed by Bred Starr against the City Attorney's Office for allegedly withholding public information (action item) (attachment) (15 min)
13. 09077 Determination of jurisdiction on complaint filed by Melvyn Banks against the Department of Public Health for allegedly creating and implementing policies procedures, and forms without public comment and/or scrutiny (action item) (attachment) (5 min)
14. 09077 Hearing on complaint filed by Melvyn Banks against the Department of Public Health for allegedly creating and implementing policies procedures, and forms without public comment and/or scrutiny (action item) (attachment)(15 min)
15. 09078 Determination of jurisdiction on complaint filed by Anonymous Tenants against the Planning Department for allegedly withholding public documents. (action item) (attachment) (5 min)
16. 09078 Hearing on complaint filed by Anonymous Tenants against the Planning Department for allegedly withholding public documents. (action item) (attachment) (15 min)
17. 09079 Determination of jurisdiction on complaint filed by Kenneth Kinnard against the Human Rights Commission for allegedly failing to respond to an Immediate Disclosure Request. (action item) (attachment) (5 min)
18. 09079 Hearing on complaint filed by Kenneth Kinnard against the Human Rights Commission for allegedly failing to respond to an Immediate Disclosure

- Request. (action item) (attachment) (15 min)
19. 09080 Determination of jurisdiction on complaint filed by Alvin Xex against the Human Services Agency for not providing information. (action item) (attachment) (5 min)
  20. 09080 Hearing on complaint filed by Alvin Xex against the Human Services Agency for not providing information. (action item) (attachment) (15 min)
  21. 09081 Determination of jurisdiction on complaint filed by Alvin Xex against the Economic Opportunity Council for alleged denial of access to public records. (action item) (attachment) (5 min)
  22. 09081 Hearing on complaint filed by Alvin Xex against the Economic Opportunity Council for alleged denial of access to public records. (action item) (attachment) (15 min)
  23. 09082 Determination of jurisdiction on complaint filed by Raymond Banks against the Department of Public Health for allegedly not producing a document in a timely manner. (action item) (attachment) (5 min)
  24. 09082 Hearing on complaint filed by Raymond Banks against the Department of Public Health for allegedly not producing a document in a timely manner. (action item) (attachment) (15 min)
  25. 09083 Determination of jurisdiction on complaint filed by Ellen Tsang against the Department of Building Inspection for allegedly not providing her with a copy of a building permit application. (action item) (attachment) (5 min)
  26. 09083 Hearing on complaint filed by Ellen Tsang against the Department of Building Inspection for allegedly not providing a copy of a building permit application. (action item) (attachment) (15 min)
  27. 09084 Determination of jurisdiction on complaint filed by Supervisor Chris Daly against the Mayor's Office for allegedly failing to respond to an Immediate Disclosure Request. (action item) (attachment) (5 min)
  28. 09084 Hearing on complaint filed by Supervisor Chris Daly against the Mayor's Office for allegedly failing to respond to an Immediate Disclosure Request. (action item) (attachment) (15 min)
  29. 09085 Determination of jurisdiction on complaint filed by Mike Addario against the Arts Commission for allegedly violating the Sunshine Ordinance. (action item) (attachment) (5 min)
  30. 09085 Hearing on complaint filed by Mike Addario against the Arts Commission for allegedly violating the Sunshine Ordinance. (action item) (attachment) (15 min)
  31. Supervisor of Records Report (discussion and possible action) (15 min) (attachment)

32. Ethics Commission proposed rules on handling Sunshine complaints. (discussion and possible action) (15 min)
33. Report: Complaint Committee: meeting of December 8, 2009. (Nick Goldman) (discussion and possible action) (5 min)
34. Report: Compliance and Amendments Committee: meeting of December 8, 2009. (Erica Craven-Green) (discussion and possible action) (5 min)
35. Report: Education, Outreach and Training Committee meeting of December 10, 2009. (Sue Cauthen) (discussion and possible action) (5 min)
36. Task Force and committee meeting schedules. Shall the Task Force and its committees revise their meeting schedules to enable the Task Force to meet twice a month? (discussion and possible action)
37. Administrator's Report. (discussion) (5 min)
38. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible. (no action) (12 min)
39. Announcements, comments, questions, and future agenda items from the Task Force. (no action item) (5 min) (no attachment)

**Adjournment**

**Next regularly scheduled meeting: Jan. 26, 2010**

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (Section 67.16)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (Section 67.7-1 (c))

- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).



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January 5, 2010 - special

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
MINUTES**

**Tuesday, January 5, 2010  
4:00 p.m., City Hall, Room 408**

Task Force Members

Seat 1 Erica Craven-Green (Vice Chair)  
Seat 2 Richard Kneen (Chair)  
Seat 3 Sue Cauthen  
Seat 4 Suzanne Manneh  
Seat 5 Allyson Washburn  
Seat 6 James Knoebber  
Seat 7 Doyle Johnson

Seat 8 Kristin Chu  
Seat 9 Hanley Chan  
Seat 10 Nick Goldman  
Seat 11 Marjorie Ann Williams

Ex-officio Angela Calvillo  
Ex-officio (Vacant)

Call to Order 4:05 P.M.

Roll Call Present: Kneen, Manneh, Knoebber, Chu, Chan, Goldman, Williams  
Excused: Craven-Green, Cauthen, Johnson  
Absent: Washburn

Agenda Changes: Item 2 and Item 3 withdrawn. Item 29 and 30 heard before Item 2, Items 23 and 24 heard before Item 15.

Deputy City Attorney: Jerry Threet  
Clerk: Chris Rustom

1. Approval of December 1, 2009, special meeting minutes. (action item) (5 min)

Public Comment: Kimo Crossman requested that an additional packet be produced. Peter Warfield of the Library Users Association said the word "someone" on page 16 of the packet should be replaced with "Ms Linda Avery." Ray Hartz said timely documentation was needed for the public to make sound judgments.

Motion to continue minutes to January 26, 2010. ( Kneen / Goldman )

Public Comment: Mr. Warfield agreed. Mr. Hartz said corrections need to be made to the previously adopted minutes.

On the motion:

Ayes: Manneh, Knoebber, Chu, Chan, Goldman, Williams, Kneen

2. 09074 Determination of Jurisdiction on complaint filed by Kimo Crossman against the Ethics Commission for allegedly violating Sec. 67.24 (h) (g) (i) by invoking exemptions not allowed under the Sunshine Ordinance.

Withdrawn.

3. 09074 Hearing on complaint filed by Kimo Crossman against the Ethics Commission for allegedly violating Sec. 67.24 (h) (g) (i) by invoking exemptions not allowed under the Sunshine Ordinance.

See Item 2.

4. 09039 The Compliance and Amendments Committee has recommended to the Task Force that 09039 Rita O'Flynn against the Mayor's Office of Housing be referred to the Ethics Commission for willful violation under Sections 67.30, 67.34 and 67.21 ( e ) of the Ordinance.

Complainant Rita O'Flynn said the Task Force has found that the Mayor's Office of Housing went against its own policy and destroyed emails, which were public documents and that they were ordered to be restored at a cost of about \$20,000. The department has provided some emails but has not met the requirements of the Order of Determination, she said. The

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department has considered the matter closed, and by its refusal to attend meetings it is showing its disrespect to the Task Force, she said. Its actions warrant a referral to the Ethics Commission, she said.

The Respondent was not represented. There was nobody in the audience to present facts and evidence in support of the Respondent.

Chair Knee said the non-appearance by the Respondents is a violation of Sec. 67.21 ( e ). He also said Erica Craven-Green, chair of the Compliance and Amendments Committee, had written to the department which to date has not responded. Those actions, he said, show a disregard for the Ordinance and the Task Force.

Member Williams made a motion to have the matter forwarded to the state attorney general for enforcement. Motion died for lack of a second.

Motion to have the matter forwarded to the Ethics Commission ( Goldman / Knee )

Public Comment: Kim Crossman suggested that the matter be referred to the Ethics Commission because it is known to investigate referrals and because it is under pressure from the press. Ray Hartz urged referring it to Ethics and using the Respondent's refusal to justify the need for amendments to the Sunshine Ordinance to the voters. Peter Warfield said the Ordinance calls for a referral and the Task Force should not be discussing the possible outcome of a particular action. Mark O'Flynn said referring the matter to the District Attorney would be preferable because it has the ability to file a case against the department in Superior Court and only to send the issue of document destruction to the Ethics Commission. Allen Grossman urged sending it also to the DA and said that the Task Force does not have a case against referral but to continue sending referrals to the Ethics Commission would be to force it to really address the issue. An anonymous speaker said the people have spoken and the time to seek justice had come, and that it was best to do something.

Member Chan suggested referring the matter to the District Attorney. Member Goldman and Chair Knee agreed.

Motion to have the matter forwarded to the Ethics Commission and the District Attorney ( Goldman / Knee )

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee.

5. 09057 The Compliance and Amendments Committee has forwarded to the Task Force 09057, Peter Warfield against the Clerk of the Board, for failure to comply with the Order of Determination.

Complainant Peter Warfield said he asked to see from the Clerk's Office a file that contained contact information about members of the Library Citizens Advisory Committee of which he is a member. He was provided with a document that had certain information redacted. That document had in the past been provided to him without redactions, he said. The Clerk continues to violate the Ordinance and Order of Determination because the new policy does not meet the requirements set forth by the Task Force, he said. Ray Hartz said a citizen has the right to look into an issue if that person believes that the City government is doing something wrong. That, he said, is the First Amendment and it is protected by the Constitution. Anybody standing in Mr. Warfield's way was violating his Constitutional rights, Mr. Hartz said. He said the Task Force needs to stand up and defend the public and not worry about what would happen down the road. Kim Crossman said the policy was not legal but was closer to what it previous was. He said people give up their right to privacy when they submit their information to the government. This also means, he said, that the Sunshine complaint form will still allow for confidentiality. The way to go about this is to inform the applicant that the information provided is disclosable, he said.

Respondent Madeleine Licavoli of the Clerk's Office said the Clerk has reviewed and revised the policy and that no further revisions are planned. The public can contact the commission, board, task force members through their respective clerks or secretaries, she said.

Chair Knee said anybody who is in contact with the City should be informed that the contact information they provide is a public record and give them a chance to provide alternate information. The Task Force has been very clear on the issue and should continue to find the departments in violation, he said.

Member Washburn said a strong statement should be made to the Clerk and explain to her how the Task Force interprets the Ordinance. Members Goldman and Knoebber agreed.

Chair Knee to write to the Clerk and voice the Task Force's position on redactions. Without objection.

Matter referred to the Education, Outreach and Training Committee.

The Respondent did not have any closing remarks. The Complainant said the case is akin to document denial and urged the Task Force to refer it to the appropriate authority. The redaction also violates his rights as a citizen, he said.

Public Comment: None.

After further discussion, the motion was amended.

Motion to refer matter to the Ethics Commission for enforcement. ( Washburn / Goldman )

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chan, Goldman, Williams, Knee

Noes: Chu

6. 09066 Hearing on complaint filed by the Asian Law Caucus against the Mayor's Office for alleged failure to respond to information requests.

Complainant Angela Chan said she has not received any information or been contacted by the Mayor's Office since she last testified before the Task Force in December. She said the actions of the Mayor's Office violate Sec. 67.34 for willful failure and should be deemed official misconduct. She also said she had not received a response to the letter the Chair had written to the Mayor's Office.

The Respondent was not present. There was nobody in the audience to present facts and evidence in support of the Respondent.

Motion to find violation of Sec. 67.34 for willful failure to comply and 67.21 ( e ) for failing to appear and to provide the documents within five days ( Goldman / Knoebber )

Public comment: Ray Hartz said he would like to see the Respondent found in violation of the Sunshine Ordinance for failing to attend the meetings. Kim Crossman said he supported the motion. Peter Warfield said he was concerned by the Respondent's silence. He said the Task Force should find in favor of the Complainant.



In conclusion, Ms. Chan said if the information was given orally, the Respondent should be found in violation of the pertinent section.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

Matter sent to Compliance and Amendments Committee.

7. 09072 Determination of jurisdiction on complaint filed by Annmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No 070815.

The Task Force was told that the Complainant had made a second request for continuance. The Respondent disagreed to the request.

Motion to accept jurisdiction ( Goldman / Knoebber )

Public Comment: Kimo Crossman suggested tabling the item.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

8. 09072 Hearing on complaint filed by Annmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No. 070815.

Respondent Rick Caldeira, legislative deputy clerk for the Clerk's Office, said he has nothing to add beside what was said in the response. All the titles were meaningful and if the Complainant wanted more details she should have attended the meetings.

Members agreed that the titles were informative enough.

Public Comment: Kimo Crossman said the case should be tabled. Ray Hartz said since departments are found in violation for not appearing, the same should apply in this case. Asking the Complainant to refute her complaint was reasonable. Peter Warfield said the matter should be continued because citizens also face burdens and difficulties to attend hearings.

The Respondent did not have any closing remarks.

Motion to find no violation ( Knoebber / Goldman )

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

9. 09073 Determination of jurisdiction on complaint filed by Annmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No. 090717.

Motion to accept jurisdiction ( Goldman / Knoebber )

Public Comment: None.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

10. 09073 Hearing on complaint filed by Annmarie Mabbutt against the Clerk of the Board for not meeting agenda requirements regarding Legislative File No. 090717.

Respondent Rick Caldeira, legislative deputy clerk for the Clerk's Office, said he had nothing to add because it was similar to the previous case.

Members Knoebber and Goldman said their opinions were the same as stated in the previous case.

Public Comment: None

The Respondent did not have any closing remarks.

Motion to find no violation ( Knoebber / Goldman )

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

11. 09075 Determination of jurisdiction on complaint filed by Bred Starr against the City Attorney's Office for allegedly withholding public information.

Motion to accept jurisdiction ( Goldman / Knoebber )

Public Comment: None.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

12. 09075 Hearing on complaint filed by Bred Starr against the City Attorney's Office for allegedly withholding public information.

Complainant Bred Starr said the City Attorney's Office is withholding documents regarding Mary Ellen O'Brien who was released from a job with the Department of Parking and Traffic in 2004. Ms. Starr said she and a group of neighbors got together and asked for documents regarding the investigation and were given four pages.

Members Chu and Washburn commented that they needed assistance from Member Craven-Green in deciding the matter.

Motion to continue to next meeting on Jan. 26, 2009. ( Chu / Washburn )

On the motion:

Ayes: Manneh, Washburn, Chu, Chan, Goldman, Williams, Knee

Noes: Knoebber, Goldman

13. 09077 Determination of jurisdiction on complaint filed by Raymond Banks against the Department of Public Health for allegedly creating and implementing policies procedures, and forms without public comment and/or scrutiny.

Motion to find jurisdiction ( Goldman / Knoebber )

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

14. 09077 Hearing on complaint filed by Raymond Banks against the Department of Public Health for allegedly creating and implementing policies procedures, and forms without public comment and/or scrutiny.

Complainant Raymond Banks said the Public Health Privacy Board meetings are closed to the public and that he would like the Task Force to open them to the public. He said there could be constitutional violations occurring behind closed doors. He said he requested information on the local SF Share Mandate policy because Public Health employees Bill Blum and Marie Xavier contradicted themselves in the emails that were sent to him.

The Respondent was not present. There was nobody in the audience to present facts and evidence in support of the Respondent.

Member Chu wanted to know if the matter was within the Task Force's jurisdiction.

DCA Threat said the Privacy Board does seem to be conducting business like a passive meeting body.

Public Comment: Kim Crossman said the issues are clear. Ray Hartz said Mr. Banks wants to know what the body is deciding and wants to know whether there are conflicts within the city, state and federal law.

In closing, Mr. Banks said he wants the meetings open so that the public can see what transpires. He said some policies could be in violation of civil rights laws.

Member Knoebber was told by the Complainant that he also did not receive the SF Share Mandate policy.

Motion to find violation of Section 67.4 ( Washburn / Goldman )

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee.

Matter to be referred to Compliance and Amendments Committee.

15. 09078 Determination of jurisdiction on complaint filed by Anonymous Tenants against the Planning Department for allegedly withholding public documents. (action item) (attachment) (5 min)

Motion to find jurisdiction ( Goldman / Manneh )

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

16. 09078 Hearing on complaint filed by Anonymous Tenants against the Planning Department for allegedly withholding public documents.

Complainant Anonymous Tenants said the two documents he requested existed and were in the Planning Department's possession. The documents were requested because he wanted to use it at a permit application hearing. To date, he has not received the documents. A person said in support that the documents were public records and were to be used in support of his concerns and statements.

The Respondent was not present. There was nobody in the audience to present facts and evidence in support of the Respondent

Public Comment: Ray Hartz said departments always talk about the time wasted in trying to respond to requests but not how much time it took to avoid producing the documents. Kim Crossman said the department has tried to stymie the Complainant in many ways and should be found in violation of the Ordinance. Peter Warfield said the department, as in other cases, is showing its disrespect by not appearing and should be found in violation.

In closing, Anonymous Tenants said the existence of the documents is questionable because the department did not respond.

Motion to find violation of Sections 67.21 (b), (e) and (f), 67.26 ( Goldman / Washburn )

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

Matter to be referred to Compliance and Amendments Committee

17. 09079 Determination of jurisdiction on complaint filed by Kenneth Kinnard against the Human Rights Commission for allegedly failing to respond to an Immediate Disclosure Request.

Motion to find jurisdiction ( Goldman / Knoebber )

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

18. 09079 Hearing on complaint filed by Kenneth Kinnard against the Human Rights Commission for allegedly failing to respond to an Immediate Disclosure Request.

Complainant Kenneth Kinnard said he did not attend the 2002 bearing before an arbitrator and that was when the Human Rights Commission trumped up charges against him and the decision was not in his favor. He said he has requested documents that were submitted at the bearing and to date has not received them.

Respondent Jill Jay Couch of the Human Rights Commission said he was recently assigned to represent the department and did not know the history. However, she said, Mr. Kinnard recently filed a request and she had requested additional time. She added that Melinda Kanios, who had to leave earlier because of child care issues, was familiar with the case and had given the documents that Mr. Kinnard had requested. Some of the documents have passed their retention period, she added.

Public Comment: Ray Hartz said once a contract is awarded all the documents should be retained so that the party who lost out could use it to their advantage the next time around. Peter Warfield said the HRC should have indicated what documents were provided and that the packet does not include its response to the complaint. Kimo Crossman said the Task Force needs to look into the retention policy and see what else was destroyed.

In closing, Ms. Couch said the process did not include a contract but was a certification process. Mr. Kinnard said the HRC has the documents and the matter should be dealt with as other have been and not given special treatment.

Chair Knee to write to Ms. Kanios with specific questions and ask her to attend the Jan 26, 2010, meeting.

Motion to continue to Jan 26, 2010, meeting ( Goldman / Manneh )

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

19. 09080 Determination of jurisdiction on complaint filed by Alvin Xex against the Human Services Agency for not providing information.

Motion to find jurisdiction ( Goldman / Manneh )

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

20. 09080 Hearing on complaint filed by Alvin Xex against the Human Services Agency for not providing information.

Neither the Complainant nor the Respondent was present or represented.

Motion to table matter ( Knoebber / Manneh )

Public Comment: Kimo Crossman said Alvin Xex was in the audience earlier and had mentioned that he was moving out of state.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

21. 09081 Determination of jurisdiction on complaint filed by Alvin Xex against the Economic Opportunity Council for alleged denial of access to public records.

Same house, same call as Items 19 and 20.

22. 09081 Hearing on complaint filed by Alvin Xex against the Economic Opportunity Council for alleged denial of access to public records.

The Complainant was not present. There was nobody in the audience to present facts and evidence in support of the Complainant.

The Respondent announced that she was present.

Motion to untable Items 21 and 22 ( Knoebber / Goldman )

Public Comment: Kimo Crossman said the matter should be heard.

On the motion:

Ayes: Manneh, Knoebber, Knee

Noes: Washburn, Goldman, Williams

Motion fails.

23. 09082 Determination of jurisdiction on complaint filed by Raymond Banks against the Department of Public Health for allegedly not producing a document in a timely manner.

Motion to find jurisdiction ( Knoebber / Chu )

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Chan, Goldman, Williams, Knee

24. 09082 Hearing on complaint filed by Raymond Banks against the Department of Public Health for allegedly not producing a document in a timely manner.

Complainant Raymond Banks said DPH did not comply with California Public Records Act Sections 6253.1 a, 1, 2 and 3 because department spokesperson Eileen Shields did not respond to his request. He then read the requirements of the statute. He said he had received inconsistent information from Bill Blum and Maria Martinez of the DPH over the Area Share Mandate Form. That is why, he said, the Privacy Board meetings should be noticed and open to the public.

The Respondent was not present and no one presented facts and evidence in favor of the Respondent

Chair Knee said DPH sent a letter that said they would not be attending.

Public Comment: Peter Warfield said Ms. Shields' response should not be accepted and she should be found in violation of the requirement the department appear before the Task Force. Ray Hartz said the public has the right to see the rules and regulations and if a department tries to talk the person out of the request the question becomes whether there was a policy in the first place. Kimo Crossman reminded the Task Force that the department did not respond in a timely manner.

In closing, Mr. Banks said the policy change affects 20,000 people and the act violates their constitutional rights. He said he wants to know whether DPH created a policy that was against the Health Insurance Portability and Accountability Act.

Motion to find violation of Sec. 67.21 (b) and (e), Sec. 67.25 and CPRA Section 6253.1 a, 1, 2 and 3. ( Washburn / Goldman )

On the motion:

Ayes: Manneh, Washburn, Knoebber, Chu, Goldman, Williams, Knee

Matter to be referred to Compliance and Amendments Committee.

25. 09083 Determination of jurisdiction on complaint filed by Ellen Tsang against the Department of Building Inspection for allegedly not providing her with a copy of a building permit application.

Motion to find jurisdiction ( Goldman / Knoebber )

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

26. 09083 Hearing on complaint filed by Ellen Tsang against the Department of Building Inspection for allegedly not providing a copy of a building permit application.

Complainant Ellen Tsang said she gave William Strawn, Communications Manager of the Department of Building Inspection, an Immediate Disclosure Request (IDR) for a copy of a building permit application. She said he failed to respond by the end of the next business day. The document exists in electronic format and he has refused to send her a copy, she said. DBI uses the best software available on the market and is well equipped to email documents to the public according to the vendor who conducted the sale, she said. Mr. Strawn's letter to the Task Force is a response to somebody else's request and not to her, she said. She said Mr. Strawn had said that a summary of the case was available on the website but the Board of Appeals does, in many cases, only accept copies of permit applications and not summaries. Anonymous Tenants said he also went to DBI to see the exact permit and was given the run-around and denied access. He said he made a Sunshine request after he was told to fill out a form and wait for five days. He said Mr. Strawn's response was to his request and not to Ms. Tsang. Mr. Strawn told him that the record was digitized and reviewed it on a DBI computer. Anonymous Tenants said. DBI should scan the permit and put it on their website, he said. Kimo Crossman said DBI is trying to make money out of public records and to disenfranchise neighborhood groups.

Mr. Strawn said DBI has been responsive to the Complainant and has offered a number of similar documents to the Complainants over a number of months. As previously presented to the Task Force, he said the department does not have the capacity and is in a four-year project to digitize records. He said Ms. Tsang does not have permission from the owner of the plans to get a copy of the document. In fact, he said, Anonymous Tenants had to be prevented by DBI staff from copying the document in violation of state law.

In conclusion, Mr. Strawn had nothing to add. Ms. Tsang said she was requesting an electronic copy of a permit application and not a plan. The document has been scanned by the vendor and is available in digitized form in DBI's system, she said.

Motion to find violation of 67.21-1 for not embracing technology for record-keeping. ( Goldman / Knee )

Public Comment: Ray Hartz said if the document is digitized, it should be made available to the public. Peter Warfield said the document has to be digitized and produced as requested. He then read from Sunshine Ordinance Section 67.21 (I).

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knee.

Motion to find violation of Sections 67.21 (1) and 67.25. ( Washburn / Goldman )

Public Comment: Kimo Crossman wanted the Task Force to add Sec. 67.29-2. Peter Warfield said Sec. 67.21 should be added because the Complainant did not get the document.

Motion maker and second agreed.

Motion to find violation of Sections 67.21 and 67.25 ( Washburn / Goldman )

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knece.

Matter sent to Compliance and Amendments Committee.

27. 09084 Determination of jurisdiction on complaint filed by Supervisor Chris Daly against the Mayor's Office for allegedly failing to respond to an Immediate Disclosure Request

Motion to find jurisdiction ( Goldman / Knoebber )

Public Comment: Kimo Cross suggested tabling or continuing it.

Motion to table item ( Knoebber / Manneh )

Public Comment: None

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knece.

28. 09084 Hearing on complaint filed by Supervisor Chris Daly against the Mayor's Office for allegedly failing to respond to an Immediate Disclosure Request.

See Item 27.

29. 09085 Determination of jurisdiction on complaint filed by Mike Addario against the Arts Commission for allegedly violating the Sunshine Ordinance.

Motion to find jurisdiction ( Goldman / Knoebber )

Public Comment: None

On the motion:

Ayes: Manneh, Knoebber, Chu, Chan, Goldman, Williams, Knece

30. 09085 Hearing on complaint filed by Mike Addario against the Arts Commission for allegedly violating the Sunshine Ordinance

Complainant Mike Addario said he submitted an Immediate Disclosure Request to Howard Lazar of the Arts Commission on September 23, 2009, and received the documents on December 24. He said he had not inspected the documents but a timesheet appeared to have been altered. He also said the Commission changed the bylaws of the liaison committee without its consent.

Respondent Mr. Lazar said he is with the Street Artists Program and that he was late in responding to the IDR because of staffing issues. He said Director Luis Cancel has announced that outside help would be sought if the information requests from its 400 members continue at their current pace. He said he has provided Mr. Addario with over 200 pages of information and all documents are copies of the originals. The bylaws issue was not in the purview of the Task Force as the deputy city attorney has stated, he said. Ray Hartz said asking City agencies to obey the law was unreasonable. He was then ruled out of order by Chair Knece.

In closing, Mr. Lazar wanted to know if it was within the purview of the Task Force to recommend that the Arts Commission have additional staff to meet its obligations in a timely manner.

Mr. Addario claimed that the timesheet was altered because the numbers looked like they were white out and redone. He said the reason he wanted the documents was to see how the Commission was being run.

Motion to find violation of Section 67.25 for untimely response ( Chu / Knoebber )

Public Comment: None

On the motion:

Ayes: Manneh, Knoebber, Chu, Chan, Goldman, Williams, Knece

Matter referred to February 9, 2010, Compliance and Amendments Committee to see if all requested documents have been provided and redactions, if any, are justified.

Member Chan said the District Attorney should be investigating the claim on the altered document.

31. Supervisor of Records Report

Motion to continue matter to Jan. 26, 2010. ( Knoebber / Goldman )

Public Comment: Kimo Crossman said the Supervisor of Records should be asked to attend.

On the motion:

Ayes: Manneh, Washburn, Knoebber, Goldman, Williams, Knece

32. Ethics Commission proposed rules on handling Sunshine complaints.

Motion to continue matter to Jan. 26, 2010. ( Knoebber / Manneh )

Public Comment: Peter Warfield said the topic calls for a special meeting. Ray Hartz said the document needs to be put on the web.

Motion to continue it to Jan. 26, 2010. Without objection.

33. Report: Complaint Committee meeting of December 8, 2009.

Complaint Committee Chair Nick Goldman made the report.

Public Comment: Ray Hartz praised Chair Goldman for using the procedure to benefit all parties involved.

34. Report: Compliance and Amendments Committee: meeting of December 8, 2009.

Task Force Chair Kneee gave the report on behalf of Committee Chair Erica Craven-Green, who was on excused absence.

Public Comment: Kimo Crossman was against sending the draft Ordinance to the Board of Supervisors for fear it might get gutted.

35. Report: Education, Outreach and Training Committee meeting of December 10, 2009.

Committee Member Manneh made the report.

Public Comment: Ray Hartz said the Task Force could use the Committee to go to the various groups and show them what it would do for the populace. Peter Warfield said he wanted to know more about the quorum issue faced by the Task Force. He said it was inappropriate for the Chair to go forward with the meeting if a quorum was not reached.

36. Task Force and committee meeting schedules. Shall the Task Force and its committees revise their meeting schedules to enable the Task Force to meet twice a month?

Motion to continue to Jan. 26, 2010, meeting. Without objection.

37. Administrator's Report.

Mr. Rustom made the report.

Public Comment: Peter Warfield said the report does not include the referrals that the Task Force had made to the Ethics Commission.

38. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible.

Ray Hartz said after 10 years and spending about \$2million, the Task Force has yet to get the Ethics Commission to investigate one of its referrals. The Board of Supervisors ignores the Task Force and the City Attorney's Office advises departments on how to hide documents. Sometimes, Complainants have to be satisfied with the winning six votes because some members decide to come late or leave early, he said. He wondered how members could have fully understood the issues when they claim that they had just received their agenda packets. Kimo Crossman said the Task Force needs to build its own database of findings so that the deputy city attorney can use it in his jurisdictional and instructional letters. He also urged the Task Force to revisit its six-vote requirement. An anonymous person also asked the Task Force to look at the six-vote issue because justice would not be served if a case gaining five votes has to go down with two nay votes. Peter Warfield of the Library Users Association said the Task Force's schedule should be set at the beginning of the year so as to avoid last-minute adjustments. He said meeting days need to be changed so that a person who wants to speak at the Board of Supervisors meeting gets a chance to address the Task Force as well. He also said the Order of Determination should be discussed with the Complainant before it is issued. Allen Grossman said a separate meeting on the Ethics Commission's proposed rules for handling Sunshine Complaints needs to be called because it was a significant issue that would affect the roles of the Task Force and the Ethics Commission. If it is not treated with the seriousness it deserves, the outcome would be much of what it was before, he said.

39. Announcements, comments, questions, and future agenda items from the Task Force.

Member Knoebber said he would not be at the next meeting. Chair Kneee said if he was not in attendance it would be for medical reasons.

Adjournment: The meeting was adjourned at 10:15 p.m. in memory of Joseph Lynn, a long-time good government advocate who passed away Dec. 9, 2009. This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force

Sunshine Ordinance Task Force



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Fax No. 554-7854  
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<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, January 26, 2010  
4:00 p.m., City Hall, Room 408

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**Task Force Members**

Seat 1	Erica Craven-Green(Vice Chair)	Seat 8	(Vacant)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Approval of December 1, 2009, special meeting minutes. (action item) (attachment) (5 min)
2. Approval of January 5, 2010, special meeting minutes. (action item) (5 min)
3. 09075 Hearing on complaint filed by Bred Starr against the City Attorney's Office for withholding public information (action item) (attachment) (15 min)
4. 09079 Hearing on complaint filed by Kenneth Kinnard against the Human Rights Commission for failing to respond to an Immediate Disclosure Request. (action item) (attachment) (15 min)
5. Supervisor of Records Report (discussion and possible action) (15 min) (attachment)
6. Ethics Commission proposed rules on handling Sunshine complaints. (discussion and possible action) (15 min)
7. Report: Compliance and Amendments Committee: meeting of January 12, 2010. (Erica Craven-Green) (discussion and possible action) (5 min)

8. Report: Education, Outreach and Training Committee information gathering meeting of January 14, 2010. (Sue Cauthen) (discussion and possible action) (5 min)
9. Task Force and committee meeting schedules. Shall the Task Force and its committees revise their meeting schedules to enable the Task Force to meet twice a month? (discussion and possible action)
10. Administrator's Report. (discussion) (5 min)
11. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible. (no action) (12 min)
12. Announcements, comments, questions, and future agenda items from the Task Force. (no action) (no attachment) (5 min)

**Adjournment**

**Next regularly scheduled meeting: Feb 23, 2010**



## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (*Section 67.16*)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (*Section 67.7-1 (c)*)

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

**Above total speaking times for Complainant and City to be the same.**

- |  |                      |
|--|----------------------|
| 3. Matter is with the Task Force for discussion and questions.   |                      |
| 4. Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. Matter is with the Task Force for motion and deliberation.  |                      |
| 6. Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [soff@sfgov.org](mailto:soff@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).



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January 26, 2010

**SUNSHINE ORDINANCE TASK FORCE  
MEETING MINUTES  
Tuesday, January 26, 2010  
4:00 p.m., City Hall, Room 408**

**Task Force Members**

Seat 1 Erica Craven-Green (Vice Chair)

Seat 2 Richard Knee (Chair)

Seat 3 Sue Cauthen

Seat 4 Suzanne Manneh

Seat 5 Allyson Washburn

Seat 6 James Knoebber

Seat 7 Doyle Johnson

Seat 8 (Vacant)

Seat 9 Hanley Chan

Seat 10 Nick Goldman

Seat 11 Marjorie Ann Williams

Ex-officio Angela Cavillo

Ex-officio (Vacant)

Call to Order 4:00 P.M.

Roll Call Present: Craven-Green, Cauthen, Manneh, Washburn, Johnson, Goldman, Williams

Excused: Knee, Knoebber

Absent: Chan

Agenda Changes: Item 11 heard before Item 4.

Deputy City Attorney: Jerry Threet

Clerk: Chris Ruston

1. Approval of December 1, 2009, special meeting minutes.

Acting Chair Craven-Green said Chair Knee had requested that the minutes not be approved because he wanted to make some changes.

Motion to continue December 1, 2009, special meeting minutes (Craven-Green / Goldman )

Public Comment: Peter Warfield of the Library Users Association said a paragraph each in Item 3 and Item 7 do not reflect what he said.

On the motion:

Ayes: Cauthen, Manneh, Washburn, Johnson, Goldman, Williams, Craven-Green

2. Approval of January 5, 2010, special meeting minutes

Member Cauthen said she would like to review the minutes and wanted the same action that was taken in the previous item.

Motion to continue January 5, 2010, special meeting minutes (Cauthen / Williams )

Public Comment: Raymond Banks said the Orders of Determination for #09077 and #09082 were missing in the minutes. Peter Warfield said draft minutes should be available on request 10 days after the date of the meeting. Doug Comstock said the minutes were a big improvement over what was provided when he was chair of the Task Force.

Member Cauthen said the Ordinance requires minimal minutes.

On the motion:

Ayes: Cauthen, Manneh, Washburn, Johnson, Goldman, Williams, Craven-Green

3. 09075 Hearing on complaint filed by Bred Starr against the City Attorney's Office for withholding public information.

Complainant Bred Starr said she had asked for documents regarding the investigation of Mary Ellen O'Brien from the Department of Parking and Traffic in 2004. The investigation was

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done on behalf of the City and not on behalf of the tax payers and that made access to documents difficult, she said. She wanted to know why Ms. O'Brien is still a City employee and what was said during the investigation. She said she received only four pages about the case from the City Attorney's Office whereas the Chronicle was able to provide numerous pages about the matter. It sounds confidential but SF is supposed to have transparency and open government. By protecting this particular employee, the City Attorney's Office is encouraging similar acts of corruption within the City government. She also claimed that she and her neighbors had received threatening notes and letters and was willing to produce the proof if the Task Force was interested. She questioned why the City Attorney's Office was withholding information if there was nothing to hide.

Respondent Virginia Dario Elizondo of the City Attorney's Office said the request was for an internal investigation that was leaked to the press. There is a report that is confidential under the attorney work product doctrine and the attorney client privilege. Two disciplinary letters sent to the subject of the investigation was released. That answered one of Ms. Starr's questions as to what happened to the employee. Just because a document or portions of it are leaked to the press does not make it a public document. Lawyers have the responsibility to maintain the privilege.

There was no one in the audience to present facts and evidence on behalf of the respondent.

Member Cauthen wanted to know if the leak was a waiver of the privileges.

DCA Threat said in the absence of a waiver the attorney is obligated under state law to keep the matter confidential.

Acting Chair Craven-Green said there was no case law on the privilege issue as to employee misconduct investigations conducted by the City Attorney. And where the allegations have been found not to be substantial or discipline has not been imposed, justifiable redactions can be made.

Member Cauthen said she was concerned by the amount of time the City took because the Ordinance says that an IDR needs to be responded to before the close of business the next day.

In closing, Ms. Dario Elizondo said the City's ethics rules also demands that attorneys have the duty to maintain confidentiality. Ms. Starr said Ms. Dario Elizondo is not qualified to be representing the City because she was relying on other people's information and did not take part in the actual collection and review of documents.

Motion to find violation of Sec(s) 67.21 and 67.24 for failure to produce responsive documents, specifically the 16-page memo regarding the employee's misconduct ( Craven-Green / Washburn )

Motion to find violation of Sec(s) 67.21 ( b ) for untimely response and 67.25 for failure to provide documents in a timely fashion ( Cauthen / Williams )

Public Comment: Kimo Crossman said the work product cover dies the moment the City Attorney's Office shares the report with the department. He also said the City Attorney's Office has provided active investigative records because it does not have penal authority. Melvyn Banks said investigations done with taxpayer money should be made available to taxpayers. Peter Warfield said weak excuses from City officials are offensive and insulting. A concerned citizen said the 16-page memo needs to be viewed in Chambers and then only a decision on the privilege issue be made.

On Member Cauthen's motion:

Ayes: Cauthen, Manneh, Washburn, Johnson, Goldman, Williams  
Noes, Craven-Green

On Acting Chair Craven-Green's motion:

Ayes: Manneh, Washburn, Johnson, Goldman, Williams, Cauthen, Craven-Green

Matter is placed to the call of the Chair.

4. 09079 Hearing on complaint filed by Kenneth Kinnard against the Human Rights Commission for failing to respond to an Immediate Disclosure Request.

Complainant Kenneth Kinnard said this complaint dates back to 2005 when allegations were made against him that cost him his certification. He said he received a letter last year from the Human Rights Commission that said no such documents existed. He said he responded by asking that the HRC remove the allegations mentioned in documents posted on the Internet. The HRC responded by saying that he needed to address the Commission so that a motion will be made to make the correction. Mr. Kinnard said he does not need to attend. He said he made another IDR request on Jan. 6 to the HRC and they have not responded. He said even the arbitrator has said that no such information was presented. The HRC he said is dragging its feet while his family suffers at the hands of rouge HRC employees.

Respondent Melinda Kanios of the Human Rights Commission said Mr. Kinnard has made several requests through the years and the department has been responsive. His requests for documents have been duplicative and that was why she believed that all the information requested by Mr. Kinnard has been produced. She said she could not produce information that she did not have. He once asked for files on different trucking entities. All that info was provided.

There was no one in the audience to present facts and evidence on behalf of the respondent.

To Member Cauthen, Mr. Kinnard said there are no documents to support the allegations posted on the Internet which says that his P&K Trucking company no longer was a trucker but a brokerage firm. What he wanted was for the Task Force to support him and force the HRC to admit that there were no documents to support the slanderous allegations mentioned by the HRC.

Ms. Kanios said the minutes of the January 2005 Commission meeting reflect what was said during a hearing by arbitrator Henry Epstein. The minutes reflect that Mr. Epstein had agreed with the Commission that Mr. Kinnard was not operating as a trucker but as a broker. His certification as a trucker was revoked because he was not producing his own trucks but was subbing the work out to other trucking companies. She also said she was willing to work with Mr. Kinnard and contact Mr. Epstein as well as look for the documents in other areas including commission meetings.

Acting Chair Craven-Green also reminded Ms. Kanios the importance of the duty to respond to a request, even if it was duplicative. She also said the department needs to give a response to the Task Force administrator, who could be prepared if the respondent has a 200-page document.

In closing, Ms. Kanios said she was looking forward to working with Mr. Kinnard. Mr. Kinnard said the arbitrator has said that there were no documents in response to his request. The HRC, he said, has supported the rights of other races but not those of the African-Americans.

Acting Chair Craven-Green told Mr. Kinnard that the Task Force cannot ask an agency to remove a document from their website. The Task Force can only request a department to

comply with the law by producing a document if it existed.

Motion to find violation of Sec(s) 67.21 for failure to comply with an Immediate Disclosure Request and 67.25 for failure to provide responsive documents. The HRC is also recognized for saying that they are willing and able and will work with Mr. Kinnard to get the documents to him as soon as possible. ( Craven-Green / Goldman )

Public Comment: Melvyn Banks said the respondent was complicating a simple issue. Given the timing of the events, he said the HRC maybe trying to hide something that could be embarrassing in today's litigious society.

On the motion:

Ayes: Cauthen, Manneh, Washburn, Johnson, Chan, Goldman, Williams, Craven-Green

Matter is placed to the call of the chair.

#### 5. Supervisor of Records Report

Public Comment: Kimo Crossman said many requestors are getting the documents they want only after appealing to the Supervisor of Records and that he wants the report in Word format so that he can insert his remarks. Peter Warfield said there was a time when the Supervisor of Records would always side with the departments but that seems to be changing. He also said dates in the report need to be checked to see if the Supervisor of Records is meeting the mandated timelines.

Continued to Feb. 23, 2010. Without objection

#### 6. Ethics Commission proposed rules on handling Sunshine complaints.

Public Comment: Kimo Crossman said the Task Force also needs to consider items submitted by the public. Peter Warfield said the agenda item needs more information to show what kind of outcome was being sought. Doug Comstock said the Task Force should tell the Ethics Commission that it should move forward with the proposal.

Member Cauthen said she was going to recommend to Chair Knee that he call a special meeting to discuss the topic because of its complexity.

Continued to Feb. 23, 2010. Without objection

#### 7. Report: Compliance and Amendments Committee: meeting of January 12, 2010. (Erica Craven-Green)

Committee Chair Craven-Green made the report.

Public Comment: Kimo Crossman said he was unsure why departments do not post their meeting audio on line because the SOTF, BOS and Ethics are already doing it. Peter Warfield said the draft minutes and Orders of Determination schedules should be followed and adhered to. Doug Comstock said Supervisor Mirkarimi should be told that departments are not following his legislation in posting audio files. He also said he hopes that the amendments are well on their way to the November ballot.

#### 8. Report: Education, Outreach and Training Committee information gathering meeting of January 14, 2010. (Sue Cauthen)

Committee Chair Cauthen made the report.

#### 9. Task Force and committee meeting schedules. Shall the Task Force and its committees revise their meeting schedules to enable the Task Force to meet twice a month?

Continued to Feb. 23, 2010. Without objection

#### 10. Administrator's Report

Mr. Rustom made the report.

#### 11. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible.

Former Task Force chair Doug Comstock said departments do not take the Task Force seriously because it does not have enforcement powers. However, he said, the body has the power of the press and should use it to annually bestow departments with "Sunshine" and "Moonshine" awards. Melvyn Banks acknowledged the fact that DCA Threat had responded to his email on New Year's Day, a public holiday.

#### 12. Announcements, comments, questions, and future agenda items from the Task Force. None

Adjournment:

The meeting was adjourned at 7:15 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force



Sunshine Ordinance Task Force



City Hall  
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**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, February 23, 2010  
4:00 p.m., City Hall, Room 408

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FEB 22 2010

**Task Force Members**

Seat 1 Erica Craven-Green (Vice Chair)  
Seat 2 Richard Knee (Chair)  
Seat 3 Sue Cauthen  
Seat 4 Suzanne Manneh  
Seat 5 Allyson Washburn  
Seat 6 James Knoebber  
Seat 7 Doyle Johnson

Seat 8 (Vacant)  
Seat 9 Hanley Chan  
Seat 10 Nick Goldman  
Seat 11 Marjorie Ann Williams  
  
Ex-officio Angela Calvillo  
Ex-officio (Vacant)

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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Approval of December 1, 2009, special meeting minutes. (action item) (attachment) (5 min)
2. Approval of January 5, 2010, special meeting minutes. (action item) (5 min)
3. Approval of January 26, 2010, special meeting minutes. (action item) (5 min)
4. 10001 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Bay Area Video Coalition for allegedly not following contractual agreements with the City and County of San Francisco. (action item) (attachment) (5 min)
5. 10001 Hearing on complaint filed by Nick Pasquariello against the Bay Area Video Coalition for allegedly not following contractual agreements with the City and County of San Francisco. (action item) (attachment) (15 min)
6. 10002 Determination of jurisdiction on complaint filed by Nancy Cross against the Law Library for not posting agendas and minutes, not providing related documents and not opening meetings to the public. (action item) (attachment) (5 min)
7. 10002 Hearing on complaint filed by Nancy Cross against the Law Library for not

posting agendas and minutes, not providing related documents and not opening meetings to the public. (action item) (attachment) (15 min)

8. 10003 Determination of jurisdiction on complaint filed by Nancy Cross against ECS Sanctuary for not posting agendas and minutes, not providing financial records and not opening meetings to the public. (action item) (attachment) (5 min)
9. 10003 Determination of jurisdiction on complaint filed by Nancy Cross against ECS Sanctuary for not posting agendas and minutes, not providing financial records and not opening meetings to the public. (action item) (attachment) (15 min)
10. Supervisor of Records Report (discussion and possible action) (15 min) (attachment)
11. Ethics Commission proposed rules on handling Sunshine complaints. (discussion and possible action) (15 min)
12. Report: Compliance and Amendments Committee: meeting of February 9, 2010. (Erica Craven-Green) (discussion and possible action) (5 min)
13. Report: Education, Outreach and Training Committee meeting of February 11, 2010. (Sue Cauthen) (discussion and possible action) (5 min)
14. Task Force and committee meeting schedules. Shall the Task Force and its committees revise their meeting schedules to enable the Task Force to meet twice a month? (discussion and possible action)
15. Administrator's Report. (discussion) (5 min)
16. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible. (no action) (12 min)
17. Announcements, comments, questions, and future agenda items from the Task Force. (no action) (no attachment) (5 min)

**Adjournment**

**Next regularly scheduled meeting: March 23, 2010**



## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (Section 67.16)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (Section 67.7-1 (c))

- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

**Above total speaking times for Complainant and City to be the same.**

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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February 23, 2010

SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
MINUTES

Tuesday, February 23, 2010  
4:00 p.m., City Hall, Room 408

## Task Force Members

Seat 1	Erica Craven-Green (Vice Chair)	Seat 8	(Vacant)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

## Call to Order 4:00 P.M.

**Roll Call Present:** Craven-Green, Knee, Cauthen, Washburn, Chan, Williams  
**Excused:** Manneh, Knoebber, Johnson, Goldman

## Agenda Changes: Item 16 heard before Item 6.

**Deputy City Attorney:** Jerry Threet  
**Clerk:** Chris Rustom

1. Approval of December 1, 2009, special meeting minutes.

Motion to approve December 1, 2009, special meeting minutes (Cauthen / Craven-Green)

**Public Comment:** Peter Warfield, executive director of the Library Users Association, said the minutes did not reflect what he said at the meeting.

**On the motion:**

**Ayes:** Craven-Green, Cauthen, Washburn, Chan, Williams, Knee

2. Approval of January 5, 2010, special meeting minutes.

Motion to approve January 5, 2010, special meeting minutes (Cauthen / Washburn)

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Public Comment: Peter Warfield, executive director of the Library Users Association, said the minutes need more scrutiny. Ray Hartz said not having supporting material on the website was a hamper to the public.

Motion to continue matter to next meeting. Without objection.

3. Approval of January 26, 2010, meeting minutes.

Motion to approve January 5, 2010, meeting minutes ( Craven-Green / Chan )

Public Comment: Peter Warfield, executive director of the Library Users Association, said the minutes need more details. Ray Hartz suggested members of the public who appear before a board or commission to submit their 150-word statement for inclusion in the minutes because the true feelings of a speaker are lost in the summarized minutes. Doug Comstock said it was important for the minutes to include what really was said at the meetings and that more than one agenda packet was needed for the audience. Ace Washington said the meetings should be videotaped to capture a speaker's expression and demeanor.

Motion to continue matter to next meeting. Without objection.

4. 10001 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Bay Area Video Coalition for allegedly not following contractual agreements with the City and County of San Francisco.

Complainant Nick Pasquariello said the reason for his complaint was because he did not receive a response from the Bay Area Video Coalition regarding the security surrounding his scanned driver's license.

Respondent Krisana Hodges said she agrees with the City Attorney's position which was that the Task Force did not appear to have jurisdiction to hear the complaint because no violation of the Administrative Code Section 12L had been alleged.

Member Craven-Green said the complaint, per 12L, has to be sent to the agency that contracts with the Bay Area Video Coalition to have it mediated before it comes before the Task Force. The only agreement the BAVC has with the City is that the bid documents will be disclosable once the bid was accepted, she said.

She said a generous reading of the Dec. 22 letter could be taken as Mr. Pasquariello vaguely asking for documents related to the security issue when as he was actually asking BAVC to create privacy measures and let him review the document on completion.

Mr. Pasquariello was urged to work with BAVC to make sure there were no existing documents and to seek its reproduction if they existed.

Member Cauthen asked Ms. Hodges to go over the security measures with Mr. Pasquariello if one was in place. Ms. Hodges said she hoped to do it.

Mr. Pasquariello said he would feel very comfortable if he knew safeguards were in place.

In closing, Ms. Hodges assured the Task Force that BAVC takes the privacy issue very seriously. Mr. Pasquariello said he was in a wait-and-see mode to evaluate BAVC's response.

Motion to find no jurisdiction and to note that the Task Force was pleased that the BAVC was willing to work with the complainant and inform him about the security measures regarding private data. ( Cauthen / Washburn )

Public Comment: Ace Washington wanted to know how the City signed a contract with BAVC, which does not provide agenda information and refuses appointment requests. A Channel 29 producer said there was jurisdiction because of the failure of BAVC to disclose security arrangements regarding personal information. Tracy Rosenberg of Media Alliance said BAVC needs to address the open meetings issue while there were before the Task Force. Ray Hartz said the jurisdiction issue should have been taken care at a different level and the Task Force should only deal with merit issues. Peter Warfield said absence of support materials on the web puts interested parties in the disadvantage.

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Chan, Williams. Kne

5. 10001 Hearing on complaint filed by Nick Pasquariello against the Bay Area Video Coalition for allegedly not following contractual agreements with the City and County of San Francisco.

See Item 4.

6. 10002 Determination of jurisdiction on complaint filed by Nancy Cross against the Law Library for not posting agendas and minutes, not providing related documents and not opening meetings to the public.

Complainant Nancy Cross said there is jurisdiction because Law Library is a local public agency that is subject to the Brown Act and the Sunshine Ordinance. The Library, according to state rules, has to meet once a month and it does not. It also does not post its meeting notices and does not name the Board of Trustees, she said.

The respondent was not present. There was no one in the audience to present facts and evidence on behalf of the respondent.

Member Craven-Green said Sec 67.3 (d) (7) may or may not be relevant in this case.

DCA Threet said the key word is "created by grant." The Library's Board of Trustees was not created by a grant but by the state legislature although it does delegate the appointment of some of its members to the Board of Supervisors, he said. He also added that if state fees are going to be used to pay for a state body is going to be considered as a grant, many state agencies where the Board of Supervisors appoints its members will come under Sunshine. He said as a state agency it is still up to the complaint to consider a Brown Act complaint and seek a remedy through the courts.

Member Cauthen said the CPRA would apply in this case.

Member Craven-Green reminded members that the complainant had said that she only wanted to know if the Task Force had jurisdiction and was not interested in filing a complaint.

In conclusion, Ms. Cross said she wanted a written response on the outcome of this hearing so that it could be a document the public could use in the future.

Member Cauthen suggested requesting for documents through CPRA 6253, 6253.1 6253.9.

Chair Knee said questions on jurisdiction should best be answered by the City Attorney's Office. Also helpful would be CalAware, First Amendment Project and First Amendment Coalition, he said.

Motion to find no jurisdiction ( Craven-Green / Knee )

Public Comment: None

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Chan, Williams, Knee

7. 10002 Hearing on complaint filed by Nancy Cross against the Law Library for not posting agendas and minutes, not providing related documents and not opening meetings to the public.

See Item 6.

8. 10003 Determination of jurisdiction on complaint filed by Nancy Cross against ECS Sanctuary for not posting agendas and minutes, not providing financial records and not opening meetings to the public

Motion to find jurisdiction ( Cauthen / Washburn )

Public Comment: None

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Chan, Williams, Knee

9. 10003 Hearing on complaint filed by Nancy Cross against ECS Sanctuary for not posting agendas and minutes, not providing financial records and not opening meetings to the public.

Complainant Nancy Cross said she wanted to see the conflict of economic interest statements of the ECS Sanctuary board members, their contact information, the board's budget and revenue sources as well as to be informed well in advance of the board's time and place of their meetings.

Respondent Karen Gruneisen, Associate Director of ECS Sanctuary said she believed that her organization had met the Sunshine requirements for meetings by postings notices and agendas at the required places. On the conflict of economic interest statements, she said she would be willing to provide the documents. The other documents mentioned by Ms. Cross will also be provided, she said.

Member Craven-Green encouraged ECS Sanctuary to go beyond what is required under Admin Code 12L.

Member Cauthen reminded Ms. Gruneisen that the Sunshine Ordinance does not require an appointment to see or review public documents and that people can speak anonymously at public meetings.

Ms. Gruneisen did not make any closing statement. Ms. Cross said she wanted the conflict of economic interest statements and not information on ECS Sanctuary's conflict resolution issues.

DCA Threet reminded members of the Task Force that non-profit board members do not have to file conflict of economic interest statements with the Ethics Commission.

Chair Knee also told Ms. Cross that she could contact the Supervisor of Records in the City Attorney's Office if she had further questions regarding issues stemming from this complaint.

Member Craven told Ms. Cross to work with ECS Sanctuary to resolve the issue and if she was not satisfied to have the City department that provides the majority of the funding to the non-profit to mediate the issues. If

no remedy was found, the next step would be to approach the Supervisor of Records as per Sec. 67.21 (d) of the Ordinance.

Motion to find no violation ( Craven-Green / Washburn )

Public Comment: None

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Chan, Knee

Noes: Williams

There was no motion to find a violation.

No further action.

10. Supervisor of Records Report.

Deputy City Attorney Paula Jesson, who is also the current Supervisor of Records, said this was her third annual report and did not find any unusual situations. The number of petitions filed this year was about the same as 2008, she said. She added that her position continues to help complainants and continues to work with departments regarding public documents.

Member Craven-Green thanked Ms. Jesson and said she appreciated her role in having more documents released and seeing to it that the redactions are proper and justifiable.

Chair Knee also thanked Ms. Jesson for the detailed report.

Public Comment: None

No further action.

11. Ethics Commission proposed rules on handling Sunshine complaints.

Members discussed the points contained in Ethics Commission Executive Director John St. Croix's letter on enforcement to members of the Ethics Commission and members of the Sunshine Ordinance Task Force.

Member Craven-Green offered to draft a letter to Mr. St. Croix during the discussion.

Public Comment: None

Matter concluded.

12. Report: Compliance and Amendments Committee meeting of Feb. 9, 2010.

Compliance and Amendments Committee Chair Erica Craven-Green made the report.

Public Comment: None.

13. Report: Education, Outreach and Training Committee meeting of Feb. 11, 2010.

Education, Outreach and Training Committee Chair Sue Cauthen made the report.

Public Comment: Doug Comstock, who introduced the Sunshine/Moonshine awards idea, said nominations would be open April 15 and end May 15. A panel would then select the finalists and announce the names by June 30. The awards are to be conferred at the next Task Force meeting. Nancy Cross said she likes the general idea and hoped that some kind of evaluation process can be worked out.

Chair Cauthen moved to further discuss the issue at the next meeting. Without objection.

14. Task Force and committee meeting schedules. Shall the Task Force and its committees revise their meeting schedules to enable the Task Force to meet twice a month?

Member Craven-Green said the issue should be visited only when the number of complaints increases.

Member Cauthen said two meetings should be considered only when the agenda becomes lengthy.

Members Washburn and Chan agreed.

Chair Knee instructed the clerk to check for room availability toward the end of the year with the idea of having the Task Force meet on a fourth Wednesday or a fourth Thursday so as not to clash with the Board of Supervisors' Tuesday meetings.

Public Comment: None.

15. Administrator's Report

Mr. Ruston made the report.

Public Comment: None

16. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible.

Peter Warfield, executive director of the Library Users Association, said improvements need to be made to the posting of agendas and its support materials. He also complained of not being recognized as the executive director of the Library Users Association in a referral letter sent to the Ethics Commission. Ray Hartz said it was important for members to have ample time to review their agenda packets before making decisions and that fewer members at meetings tends to be favorable to the respondents. Nancy Cross said she was not ready to file a complaint against the Law Library and the ECS Sanctuary but only wanted to know if there was jurisdiction. She also said she did not receive any information about the meeting and only found out about it when she went to the Public Library. Doug Comstock said the City College has passed a Sunshine policy on records and meetings. Dr. Anita Grier of the City College Board of Trustees said she looks forward to the day when she can come back to the Task Force and say that there was a Sunshine policy in place and that it was working and the public was pleased.

17. Announcements, comments, questions, and future agenda items from the Task Force.

Chair Knee said the Society of Professional Journalists' annual James Madison Award that honors champions of Sunshine and the First Amendment will be held March 15.

Adjournment: The meeting was adjourned at 7:15 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force





**Sunshine Ordinance Task Force**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, March 23, 2010  
4:00 p.m., City Hall, Room 408

GOVERNMENT  
DOCUMENTS DEPT

MAR 23 2010

**Task Force Members**

Seat 1	Erica Craven-Green(Vice Chair)	Seat 8	(Vacant)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
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**Call to Order; Roll Call; Agenda Changes**

1. Approval of January 5, 2010, special meeting minutes. (action item) (5 min)
2. Approval of January 26, 2010, meeting minutes. (action item) (5 min)
3. Approval of February 23, 2010, meeting minutes. (action item) (5 min)
4. 09069 The Compliance and Amendments Committee has referred to the Task Force a recommendation that #09069 Asian Law Caucus v Mayor's Office be forwarded to the Ethics Commission on the basis of willful failure to comply with the Order of Determination, willful failure to comply with the requirement to appear at hearings, and willful failure to provide justification for withholding. (action item) (attachment) (15 min)
5. 09075 The Compliance and Amendments Committee has referred to the Task Force without recommendation the issue of whether the City Attorney's Office's failure to comply with the Order of Determination in #09075 Bred Starr v City Attorney's Office should be referred to another body for further action. (action item) (attachment) (15 min)
6. 10005 Determination of jurisdiction on complaint filed by Emil Lawrence against the



Municipal Transportation Agency for allegedly cancelling meetings improperly. (action item) (attachment)(5 min)

7. 10005 Hearing on complaint filed by Emil Lawrence against the Municipal Transportation Agency for allegedly cancelling meetings improperly. (action item) (15 min)
8. 10007 Determination of jurisdiction on complaint filed by Supervisor Chris Daly against Michael Yarne and Joe Arellano of the Mayor's Office for allegedly failing to respond at the end of a 10-day extension period. (action item) (attachment) (5 min)
9. 10007 Hearing on complaint filed by Supervisor Chris Daly against Michael Yarne and Joe Arellano of the Mayor's Office for allegedly failing to respond at the end of a 10-day extension period. (action item) (attachment) (15 min)
10. Report: Complaint Committee: meeting of March 9, 2010. (Nick Goldman) (discussion and possible action) (5 min)
11. Report: Compliance and Amendments Committee: special meeting of March 3, 2010. (Erica Craven-Green) (discussion and possible action) (5 min)
12. Report: Compliance and Amendments Committee: meeting of March 9, 2010. (Erica Craven-Green) (discussion and possible action) (5 min)
13. Report: Education, Outreach and Training Committee meeting of March 11, 2010. (Sue Cauthen) (discussion and possible action) (5 min)
14. Administrator's Report. (discussion) (5 min)
15. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible. (no action) (12 min)
16. Announcements, comments, questions, and future agenda items from the Task Force. (no action) (no attachment) (5 min)

**Adjournment**

**Next regularly scheduled meeting: April 27, 2010**

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

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March 23, 2010

SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
MINUTES

Tuesday, March 23, 2010

4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	Erica Craven-Green (Vice Chair)	Seat 8	(Vacant)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

**Call to Order 4:00 P.M.**

**Roll Call** Present: Craven-Green, Knee, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams  
Excused: Manneh, Johnson

**Agenda Changes:** Item 15 heard before Item 10.

**Deputy City Attorney:** Jerry Threet

**Clerk:** Chris Rustom

- Approval of January 5, 2010, special meeting minutes.  
Motion to approve January 5, 2010, special meeting minutes. ( Cauthen / Washburn )  
Public Comment: Peter Warfield said the minutes were not provided in advance and should not be approved.  
Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams, Knee
- Approval of January 26, 2010, meeting minutes.  
Motion to approve January 26, 2010, special meeting minutes. ( Goldman / Cauthen )  
Public Comment: Peter Warfield, Executive Director of the Library Users Association, said the minutes need

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more information.

Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams, Kne

3. Approval of February 23, 2010, meeting minutes

Continued to April 27, 2010.

Peter Warfield, Executive Director of the Library Users Association, said the minutes need more information. Francisco DeCosta said committees need to take the minutes seriously because it reflects a speaker's emotion and sentiment on the subject he or she is addressing.

Continued without objection

4. 09069 The Compliance and Amendments Committee has referred to the Task Force a recommendation that #09069 Asian Law Caucus v Mayor's Office be forwarded to the Ethics Commission on the basis of willful failure to comply with the Order of Determination, willful failure to comply with the requirement to appear at hearings, and willful failure to provide justification for withholding.

The complainant was not present. There was no one in the audience to present facts and evidence on behalf of the complainant.

The respondent was not present. There was no one in the audience to present facts and evidence on behalf of the complainant.

Item continued to April 27, 2010, as requested by the complainant. Without objection.

5. 09075 The Compliance and Amendments Committee has referred to the Task Force without recommendation the issue of whether the City Attorney's Office's failure to comply with the Order of Determination in #09075 Bred Starr v City Attorney's Office should be referred to another body for further action.

Complainant Bred Starr was not present. There was no one in the audience to present facts and evidence on behalf of the complainant.

Jack Song of the City Attorney's Office said Ms. Starr made a request in September 2009 about some documents regarding Mary Ellen O'Brien of the Department of Parking and Traffic. His office provided Ms. Starr with two disciplinary letters sent to Ms. O'Brien. On further conversations with Ms. Starr, the office learned that she wanted a confidential City Attorney memo that was mentioned in a January 2004 Chronicle newspaper. That document could not be released because it comes under the attorney-client privilege and attorney work product doctrine.

Member Craven-Green said there would not be any benefit to referring this to any enforcement agency and hoped that someday the California Appeals Court would rule on the matter.

Mr. Song did not have any closing remarks.

Public Comment: Peter Warfield of the Library Users Association said he was not familiar with the complaint but the Task Force's evaluation of whether the Order of Determination was met was more important than debating whether an enforcement agency would take any action.

No further action. Matter concluded.

6. 10005 Determination of jurisdiction on complaint filed by Emil Lawrence against the Municipal Transportation Agency for allegedly cancelling meetings improperly.

Motion to find jurisdiction (Goldman / Knoebber)

Public Comment: None

On the motion

Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams, Kne

7. 10005 Hearing on complaint filed by Emil Lawrence against the Municipal Transportation Agency for allegedly canceling meetings improperly.

Complainant Emil Lawrence said he has been living in San Francisco for 41 years and has been a taxi driver for 14 years. He said he has addressed the Taxi Commission and the MTA Commission for over five years on subjects related to taxis. The MTA used to hold its meetings once every two weeks but for the past few months meetings are being held sporadically. He said the agendas for the January and February meetings were not posted in a regular and timely manner as required by the Ordinance. He said the MTA needs to get back to a regular schedule and that while the MTA has doubled its budget the number of meetings has decreased.

Roberta Boomer, Commission Secretary of the MTA, said she has submitted evidence to the Task Force that shows that the posting of agendas and the cancellation of meetings meets the requirements of the Sunshine



Ordinance and the Brown Act.

Ms. Boomer did not have any closing remarks. Mr. Lawrence said the MTA is responsible to about 450,000 riders and taxi drivers. He said the MTA creates chaos when it decides to reschedule and cancel meetings and this kind of practice has to end. He said the MTA is creating confusion because of the issues surrounding its finances and schedules.

Member Cauthen said she knows where Mr. Lawrence is coming from but does not see a violation. Member Knoebber agreed.

Motion to find no violation ( Cauthen / Goldman )

Public Comment: Francisco DaCosta said there needs to be a central location in City Hall where notices and cancellations of meetings are to be posted.

On the motion

Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Knee Noes: Williams

8. 10007 Determination of jurisdiction on complaint filed by Supervisor Chris Daly against Michael Yarne and Joe Arellano of the Mayor's Office for allegedly failing to respond at the end of a 10-day extension period to a request.

Motion to find jurisdiction ( Goldman / Knoebber )

Public Comment: None

On the motion

Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams, Knee

9. 10007 Hearing on complaint filed by Supervisor Chris Daly against Michael Yarne and Joe Arellano of the Mayor's Office for allegedly failing to respond at the end of a 10-day extension period to a request for "all written communication between Michael Yarne and the Planning Department, the Mayor's Office of Housing and the Controller between October 1, 2009, and January 31, 2010."

April Veneracion, an aide to Supervisor Chris Daly, said a document request to the Mayor was made on February 4 and a response requesting a 10-day extension was received on February 5. On February 11 the Mayor's Office said the request was broad. She sent a follow-up email to the Mayor's Office on February 17 and received an Out of Office reply after which she spoke to Laura Hauser of the Mayor's Office of Communication who assured her that the email would go to the appropriate person. A second request was sent March 2 and she emphasized that the current request was not related to first request. She said she received two binders and was told they were related to the second request. She said she had not received documents specified in the first request.

The respondent was not present. There was no one in the audience to present facts and evidence on behalf of the respondent.

Task Force members said they did not know if documents specified in the second request were withheld. All that was said was that the City Attorney was reviewing the documents before releasing it to Supervisor Daly. They also noted that there was no reason to believe the rule of reason as it is formulated in state case law applied to Sunshine requests.

No closing statements were made.

Motion to find violation of Sections 67.21 (b) for failure to produce documents, 67.21 (c) for not sending a knowledgeable representative to the hearing and 67.43 (b) for invoking the 10 days and not responding within the limited time frame. ( Craven-Green / Goldman )

Public Comment: Peter Warfield said it is always appropriate to make an Immediate Disclosure Request but he doesn't use it if he knows time was needed to get the documents he wants. He said an IDR forces the agency to respond by the next business day whereas if an IDR was not used one would be waiting forever for the documents to be produced.

On the motion

Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams, Knee

Matter referred to the Compliance and Amendments Committee.

10. Report: Complaint Committee: meeting of March 9, 2010.

Committee Chair Nick Goldman made the report.

Public Comment: None

11. Report: Compliance and Amendments Committee: special meeting of March 3, 2010.  
  
Committee Chair Erica Craven-Green made the report.  
  
Public Comment: Peter Warfield thanked the chair for allowing the public to comment on the amendments section by section and not the document as a whole. He also said a statement outlining the changes and its reasons should accompany the amendments.
12. Report: Compliance and Amendments Committee: meeting of March 9, 2010  
  
Committee Chair Erica Craven-Green made the report.  
  
Public Comment: Peter Warfield said he would like to request a copy of the amendments.
13. Report: Education, Outreach and Training Committee meeting of March 11, 2010.  
  
Committee Chair Sue Cauthen made the report.  
  
Public Comment: Peter Warfield said the Task Force was having an inappropriate discussion about the Sunshine awards that was part of the committee report and not noticed in today's agenda.
14. Administrator's Report.  
  
Mr. Rustom made the report.  
  
Public Comment: None
15. Public comment for items not listed on the agenda.  
  
Peter Warfield, Executive Director of the Library Users Association, said the Task Force should review the proceedings of the Education, Outreach and Training Committee's January and February meetings and check on its legality.
16. Announcements, comments, questions, and future agenda items from the Task Force.  
  
Chair Knee announced that special meetings on the amendments will be held on March 30 and April 6 at 5 p.m. in Rm 406.  
  
Public Comment: Peter Warfield said the Task Force needs to look into the availability of agendas and its supporting documents, meetings that begin and continue without a quorum, the complainant informed of any communication that was produced as a sidebar and complaint deadlines.

Adjournment: The meeting was adjourned at 7:15 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force

**Sunshine Ordinance Task Force**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Tuesday, March 30, 2010  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	Erica Craven-Green(Vice Chair)	Seat 8	(Vacant)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance (discussion and action item) (attachment) (60 min)
2. Public Comment on items not listed on the agenda (no action) (no attachment)

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**Adjournment**

**Next regularly scheduled meeting: April 27, 2010**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW  
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

**SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES**

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (Section 67.16)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (Section 67.7-1 (c))

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |  |                      |
|--|----------------------|
| 3. Matter is with the Task Force for discussion and questions.   |                      |
| 4. Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. Matter is with the Task Force for motion and deliberation.  |                      |
| 6. Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [soff@sfgov.org](mailto:soff@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).

CITY &amp; COUNTY OF SAN FRANCISCO

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March 30, 2010

## SUNSHINE ORDINANCE TASK FORCE

## SPECIAL MEETING

## MINUTES

Tuesday, March 30, 2010

5:00 p.m., City Hall, Room 408

## Task Force Members

Seat 1	Erica Craven-Green (Vice Chair)	Seat 8	(Vacant)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

## Call to Order 4:00 P.M.

**Roll Call Present:** Craven-Green, Knee, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams  
**Excused:** Manneh, Johnson

**Agenda Changes:** Item 15 heard before Item 10.

**Deputy City Attorney:** Jerry Threet

**Clerk:** Chris Ruston

1. Approval of January 5, 2010, special meeting minutes.  
Motion to approve January 5, 2010, special meeting minutes. ( Cauthen / Washburn )  
Public Comment: Peter Warfield said the minutes were not provided in advance and should not be approved.  
Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams, Knee
2. Approval of January 26, 2010, meeting minutes.  
Motion to approve January 26, 2010, special meeting minutes. ( Goldman / Cauthen

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Public Comment: Peter Warfield, Executive Director of the Library Users Association, said the minutes need more information.

Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams, Knee

3. Approval of February 23, 2010, meeting minutes

Continued to April 27, 2010.

Peter Warfield, Executive Director of the Library Users Association, said the minutes need more information. Francisco DeCosta said committees need to take the minutes seriously because it reflects a speaker's emotion and sentiment on the subject he or she is addressing.

Continued without objection

4. 09069 The Compliance and Amendments Committee has referred to the Task Force a recommendation that #09069 Asian Law Caucus v Mayor's Office be forwarded to the Ethics Commission on the basis of willful failure to comply with the Order of Determination, willful failure to comply with the requirement to appear at hearings, and willful failure to provide justification for withholding.

The complainant was not present. There was no one in the audience to present facts and evidence on behalf of the complainant.

The respondent was not present. There was no one in the audience to present facts and evidence on behalf of the complainant.

Item continued to April 27, 2010, as requested by the complainant. Without objection.

5. 09075 The Compliance and Amendments Committee has referred to the Task Force without recommendation the issue of whether the City Attorney's Office's failure to comply with the Order of Determination in #09075 Bred Starr v City Attorney's Office should be referred to another body for further action.

Complainant Bred Starr was not present. There was no one in the audience to present facts and evidence on behalf of the complainant.

Jack Song of the City Attorney's Office said Ms. Starr's made a request in September 2009 about some documents regarding Mary Ellen O'Brian of the Department of Parking and Traffic. His office provided Ms. Starr with two disciplinary letters to Ms. Starr. On further conversations with Ms. Starr, the office learned that she wanted a confidential City Attorney memo that was mentioned in a January 2004 Chronicle newspaper. That document could not be released because it comes under the attorney-client privilege and attorney work product doctrine.

Member Craven-Green said there would not be any benefit to referring this to any enforcement agency and hoped that someday the California Appeals Court would rule on the matter.

Mr. Song did not have any closing remarks.

Public Comment: Peter Warfield of the Library Users Association said he was not familiar with the complaint but the Task Force's evaluation of whether the Order of Determination was met or not was more important than debating whether the referred agency would take any action or not.

No further action. Matter concluded.

6. 10005 Determination of jurisdiction on complaint filed by Emil Lawrence against the Municipal Transportation Agency for allegedly cancelling meetings improperly.

Motion to find jurisdiction (Goldman / Knoebber)

Public Comment: None

On the motion

Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams, Knee

7. 10005 Hearing on complaint filed by Emil Lawrence against the Municipal Transportation Agency for allegedly cancelling meetings improperly.

Complainant Emil Lawrence said he has been living in San Francisco for 41 years and have been a taxi driver for 14 years. He said he has addresses the Taxi Commission and the MTA Commission for over five years on subjects related to taxis. The MTA used to hold its meetings once every two weeks but for the past few months meetings are being held sporadically. He said the agendas for the January and February meetings were not posted in a regular and timely manner as required by the Ordinance. He said the MTA needs to get back to a regular schedule and that while the MTA has doubled, the number of meetings has decreased.

Roberta Boomer, Commission Secretary of the MTA, said she has submitted evidence to the Task Force that

shows that the posting of agendas and the cancellation of meetings meets the requirements of the Sunshine Ordinance and the Brown Act.

Ms. Boomer did not have any closing remarks. Mr. Lawrence said the MTA is responsible to about 450,000 riders and taxi drivers. He said the MTA creates chaos when it decides to reschedule and cancel meetings and this kind of practice has to end. He said the MTA is creating confusion because of the issues surrounding its finances and schedules.

Member Cauthen said she knows where Mr. Lawrence is coming from but does not see a violation. Member Knoebber agreed.

Motion to find no violation ( Cauthen / Goldman )

Public Comment: Francisco DeCosta said there needs to be a central location in City Hall where notices and cancellations of meetings are to be posted.

On the motion

Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Knee Noes: Williams

8. 10007 Determination of jurisdiction on complaint filed by Supervisor Chris Daly against Michael Yarne and Joe Arellano of the Mayor's Office for allegedly failing to respond at the end of a 10-day extension period.

Motion to find jurisdiction ( Goldman / Knoebber )

Public Comment: None

On the motion

Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams, Knee

9. 10007 Hearing on complaint filed by Supervisor Chris Daly against Michael Yarne and Joe Arellano of the Mayor's Office for allegedly failing to respond at the end of a 10-day extension period.

April Veneracion, an aide to Supervisor Chris Daly, said a document request to the Mayor was made on February 4 and a response requesting a 10-day extension was received on February 5. On February 11 the Mayor's Office said the request was broad. She sent a follow-up email to the Mayor's Office on February 17 and received an Out of Office reply after which she spoke to Laura Houser of the Mayor's Office of Communication who assured her that the email would go to the appropriate person. A second request was sent March 2 and she emphasized that the current request was not related to first request. She said she received two binders and was told they were related to the second request. She said she had not received documents requested in the first request.

The respondent was not present. There was no one in the audience to present facts and evidence on behalf of the respondent.

Members said they did not know if documents were withheld from the second request. All that was said was that the City Attorney was reviewing the documents before releasing it to Supervisor Daly. They also noted that there was no reason to believe whether the rule of reason as it is formulated in state case law applied to Sunshine requests.

No closing statements were made.

Motion to find violation of Sections 67.21 (b) for failure to produce documents, 67.21 (c) for not sending a knowledgeable representative to the hearing and 67.25 (b) for invoking the 10 days and not responding within the limited time frame. ( Craven-Green / Goldman )

Public Comment: Peter Warfield said it is always appropriate to make an Immediate Disclosure Request but he doesn't use it if he knows time was needed to get the documents he wants. He said an IDR forces the agency to respond by the next business day whereas if an IDR was not used one would be waiting forever for the documents to be produced.

On the motion

Ayes: Craven-Green, Cauthen, Washburn, Knoebber, Chan, Goldman, Williams, Knee

Matter referred to the Compliance and Amendments Committee.

10. Report: Complaint Committee: meeting of March 9, 2010.

Committee Chair Nick Goldman made the report.

Public Comment: None

11. Report: Compliance and Amendments Committee: special meeting of March 3, 2010.

Committee Chair Erica Craven-Green made the report.



Public Comment: Peter Warfield thanked the chair for allowing the public to comment on the amendments section by section and not the document as a whole. He also said a statement outlining the changes and its reasons should accompany the amendments.

12. Report: Compliance and Amendments Committee: meeting of March 9, 2010

Committee Chair Erica Craven-Green made the report.

Public Comment: Peter Warfield said he would like to request a copy of the amendments.

13. Report: Education, Outreach and Training Committee meeting of March 11, 2010.

Committee Chair Sue Cauthen made the report.

Public Comment: Peter Warfield said the Task Force was having an inappropriate discussion about the Sunshine awards that was part of the committee report and not noticed in today's agenda.

14. Administrator's Report.

Mr. Ruston made the report.

Public Comment: None

15. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible.

Peter Warfield, Executive Director of the Library Users Association, said the Task Force should review the proceedings of the Education, Outreach and Training Committee's January and February meetings and check on its legality.

16. Announcements, comments, questions, and future agenda items from the Task Force.

Chair Knee announced that two special meetings on the amendments will be held on March 30 and April 6 at 5 p.m. in Rm 406.

Public Comment: Peter Warfield said the Task Force needs to look into the availability of agendas and its supporting documents, meetings that begin and continue without a quorum, the complainant informed of any communication that was produced as a sidebar and complaint deadlines.

Adjournment: The meeting was adjourned at 7:15 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force

**Sunshine Ordinance Task Force**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
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<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Tuesday, April 6, 2010  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	Erica Craven-Green(Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance (discussion and action item) (attachment) (60 min)
2. Public Comment on items not listed on the agenda (no action) (no attachment)

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## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (Section 67.7-1 (c))

- |  |                      |
|--|----------------------|
| 1. Complainant presents his/her facts and evidence   | 5 minutes            |
| Other parties of Complainant present facts and evidence  | Up to 3 minutes each |
| 2. City responds   | 5 minutes            |
| Other parties of City respond  | Up to 3 minutes each |
| <b>Above total speaking times for Complainant and City to be the same.</b>   |                      |
| 3. Matter is with the Task Force for discussion and questions.   |                      |
| 4. Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. Matter is with the Task Force for motion and deliberation.  |                      |
| 6. Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

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April 6, 2010

## SUNSHINE ORDINANCE TASK FORCE

## SPECIAL MEETING

Tuesday, April 6, 2010

5:00 p.m., City Hall, Room 406

## Task Force Members

Seat 1	Erica Craven-Green (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Mannch	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

Call to Order 5:00 P.M. and starting at 5:41 P.M.

Roll Call Present: Craven-Green, Knee, Washburn, Wolfe, Goldman

Excused: Cauthen, Manneh, Chan, Williams

Absent: Knoebber, Johnson

No quorum

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**Sunshine Ordinance Task Force**



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**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Tuesday, April 20, 2010  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	Erica Craven-Green(Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

Call to Order; Roll Call; Agenda Changes

1. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance (discussion and action item) (attachment)

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## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (Section 67.16)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (Section 67.7-1 (c))

- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).

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April 20, 2010, special

## SUNSHINE ORDINANCE TASK FORCE

## SPECIAL MEETING

## MINUTES

Tuesday, April 20, 2010

5:00 p.m., City Hall, Room 406

## Task Force Members

Seat 1	Erica Craven-Green (Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

## Call to Order 5:09 P.M.

**Roll Call Present:** Craven-Green, Knee, Cauthen, Washburn, Wolfe, Chan, Goldman  
**Excused:** Manneh, Knoebber, Johnson, Wolfe, Williams

**Deputy City Attorney:** Jerry Threet**Clerk:** Chris Rustom

1. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance.

Chair Knee said Member Wolfe has said that he would like to revisit four provisions in Article II.

On Article III, Section 67.20:

Chair Knee said sentence in para (a) to read: "procedures and forms to streamline requests and assist members of the public who request ..."

Chair Knee said sentence in para (c)(2) to read: "In no event shall the custodian of records shall be required to set the records aside for review for at least longer than 14 calendar days, unless agreed to between the requester and the custodian of records, but in no event shall the custodian of records be required to set the records aside for more than 14 calendar days."

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Motion to reinstate a sentence in Section 67.20 to read: "to be inspected and examined by any person, ~~and shall furnish one copy thereof upon payment of a reasonable fee copying charge, ...~~" ( Craven-Green / Goldman )

Public Comment: Peter Warfield of the Library Users Association said it needs to be clear that every person who is in possession of or has access to a public record document has the obligation to do certain things. He said the succeeding paragraph gives a custodian of records many ways to prevent the public from gaining access to what was considered a public record. Ray Hartz said general public comment is needed because of the way the content is being changed and by the process the change was being made. He said having a point person in a department was valid but it also creates delays when that person is not around. He said he has also seen a supervisor find fault with an employee who gave out information without first getting approval. Allen Grossman said every department has a Public Information Officer who stands in the way of a person wishing to obtain a public document and like it or not, the public has to go through their procedures. He wanted the Ordinance to say that a reason has to be provided if access to a public record was going to take more than three or four days.

Member Washburn after hearing Mr. Warfield's public comment made a friendly motion.

Motion to change intro to Section to read: "Every person having custody possession..." and "~~and shall furnish one copy thereof upon payment of a reasonable fee copying charge,~~" ( Washburn / Goldman )

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Wolfe, Chan, Goldman, Knee

Chair Knee said para (a) should read: "procedures and forms to streamline requests and assist members of the public who request"

Approved without objection.

On 67.20(c)(2):

Public Comment: Allen Grossman said the custodian of records position is used by departments to obstruct and delay public access to public records. He also said it was unreasonable for him to have to come back at a later date to inspect some Department of Building Inspection files because the records that he wanted to see were outsourced to a vendor for scanning. Giving a department any leeway, he said, does not help a requestor.

Chair Knee said he wanted to discuss Section 67.34 (old Section 67.30) because it has been suggested that the size of the Task Force be reduced and New America Media be removed as a nominee for Seat 4.

Member Wolfe wanted to know why the topic was being changed because he had objections to the language in (c)(2).

Chair Knee said the matter was approved without objection, but a roll call was necessary because opposition to the language had been raised.

Motion for (c)(2) to read: "~~In no event shall~~ The custodian of records shall be required to set the records aside for review for ~~at least longer than~~ 14 calendar days, unless agreed to between the requester and the custodian of records, ~~but in no event shall the custodian of records be required to set the records aside for more than 14 calendar days.~~" ( Goldman / Washburn )

On the motion:

Ayes: Craven-Green, Washburn, Chan, Goldman, Knee

Noes: Cauthen, Wolfe

Motion fails.

Member Wolfe said the maximum number of days should be 30 rather than 14.

Motion for (c)(2) to read: "~~In no event shall~~ The custodian of records shall be required to set the records aside for review for ~~at least longer than~~ 14 calendar days, unless agreed to between the requester and the custodian of records, ~~but in no event shall the custodian of records be required to set the records aside for more than 30 calendar days.~~" ( Wolfe / Goldman )

Public Comment: Allen Grossman said the custodian of records issue causes a lot of problems for the public. He said the issue is allowing the custodian of records to determine a convenient time to review a record. Ellen Tsang wanted to know what the Task Force would consider as reasonable time. She said it would be a few days for her but for the department it could mean an unlimited number of days. Anonymous Tenants said reasonable time depended on a person or department to interpret it as they wished and use it to their benefit.

On the motion:

Ayes: Craven-Green, Cauthen, Washburn, Wolfe, Chan, Goldman, Knee

On Section 67.34:

New America Media Executive Director Sandy Close said ethnic media plays a vital role is getting the government's message across to their targeted audiences. She said ethnic media had been very interested in spreading City Hall's message but had to wait until 2000 to be able to get office space in the Media Room. She said commitment to time was an issue because reporters had to cover events that most of the time are held in the evenings. But short of finding the perfect candidate for the job, she said New America Media is doing its best to explain governance to the people.

Public Comment: None.

Member Chan said New America Media's role in filling Seat 4 was important in a city as diverse as San Francisco.

Member Washburn said reducing the number of seats would not be feasible because of the Task Force's workload.

Chair Knee thanked Ms. Close for her presentation and support.

Member Craven put forward some changes that did not need a roll call.

Section 67.20(f) to read: "If the department policy body or the custodian of records ~~custodian~~ refuses,..."

Section 67.20(g) to read: "If the department policy body or the custodian of records ~~custodian~~ refuses,..."

Approved without objection.

Member Craven said sentence in Section 67.20(f) should read: "(b), the person making the request may petition the supervisor ~~Supervisor of Public Records~~ Records for a determination whether the records requested ~~exists and are~~ is disclosable ..."

She added that sentence in Section 67.20(f) should read: "In reaching this determination, the Supervisor of Public Records may review all relevant documents in camera, and shall conduct ..."

Public Comment: Allen Grossman said nobody was paying attention to his suggested changes. The concerns that he has presented should be accepted, rejected or postponed, he said. It was difficult for him, he said, to keep track of the changes being made by members.

Member Wolfe said he would not object to the changes in Section 67.20 but reserved the right to reopen the matter at a later time.

The changes were approved without objection.

Chair Knee said a period was needed after "records" in Section 67.20(d) and insert "in" to read: "If the requested record, when or information is not in within the possession of the record ..."

The change was approved without objection.

Chair Knee said the word "business" was needed in Section 67.20(f) and the sentence should read: "If the custodian refuses or fails to comply with any such order within five business days ..." and change "insure" to "ensure" in next sentence.

Chair Knee said "of" should be placed after "determination" in Section 67.20(g). The sentence should read: "the person making the request may petition the Sunshine-Task Force Sunshine Commission for a determination of whether the records requested ..."

The changes were approved without objection.

Chair Knee said "in which" should be added to Section 67.20(f). The sentence should read: "Inspection and copying of documentary-public records information stored in electronic form shall be made available to the person requesting the information in any form in which requested ~~the information is held by the department~~ ..."

Chair Knee said "but not limited to" should be added for sentence in Section 67.20(i) to read: "including but not limited to disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated."

The changes were approved without objection.

Quorum lost at 7:10 p.m.

Adjournment: The meeting was adjourned at 7:10 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force





<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE**

**REGULAR MEETING**

**AGENDA**

Tuesday, April 27, 2010  
4:00 p.m., City Hall, Room 408

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**Task Force Members**

Seat 1 Erica Craven-Green (Vice Chair)  
Seat 2 Richard Knee (Chair)  
Seat 3 Sue Cauthen  
Seat 4 Suzanne Manneh  
Seat 5 Allyson Washburn  
Seat 6 James Knoebber  
Seat 7 Doyle Johnson

Seat 8 Bruce Wolfe  
Seat 9 Hanley Chan  
Seat 10 Nick Goldman  
Seat 11 Marjorie Ann Williams

Ex-officio Angela Calvillo  
Ex-officio (Vacant)

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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Approval of February 23, 2010, meeting minutes. (action item) (5 min)
2. Approval of March 23, 2010, meeting minutes. (action item) (5 min)
3. Special recognition to Kristin M. Chu for her community service as a member and chair of the Sunshine Ordinance Task Force.
4. 09057 The Education, Outreach and Training Committee has referred to the Task Force #09057 Peter Warfield v Clerk of the Board with a recommendation that it find the Clerk's Office in willful violation of the Ordinance and that it also find the Clerk's Office in violation of Sec. 67.21(e) for failure to send a representative to the Committee's hearing on March 11, 2010.
5. 09069 The Compliance and Amendments Committee has referred to the Task Force a recommendation that #09057 Asian Law Caucus v Mayor's Office be forwarded to the Ethics Commission on the basis of willful failure to comply with the Order of Determination, willful failure to comply with the requirement to appear at hearings, and willful failure to provide justification for withholding. (action item) (attachment) (15 min)

6. 10007 Hearing on whether the City Attorney's Office's has complied with the Order of Determination in #10007 Chris Daly v Mayor's Office. (action item) (attachment) (15 min)
7. 10008 Determination of jurisdiction on complaint filed by Sandra Brotherton against the Department of Emergency Management for allegedly failing to produce copies of reports related to several 9-1-1 calls. (action item) (attachment)(5 min)
8. 10008 Hearing on complaint filed by Sandra Brotherton against the Department of Emergency Management for allegedly failing to produce copies of reports related to several 9-1-1 calls. (action item) (15 min)
9. 10011 Determination of jurisdiction on complaint filed by Juan DeAnda against the Department of Public Health for allegedly withholding information. (action item) (attachment) (5 min)
10. 10011 Hearing on complaint filed by Juan DeAnda against the Department of Public Health for allegedly withholding information. (action item) (attachment) (15 min)
11. 10012 Determination of jurisdiction on complaint filed by Ellen Tsang against the Planning Department for allegedly not responding to her Immediate Disclosure Request and alleged failure to produce a public document. (action item) (attachment) (5 min)
12. 10012 Hearing on complaint filed by Ellen Tsang against the Planning Department for allegedly not responding to her Immediate Disclosure Request and alleged failure to produce a public document. (action item) (attachment) (15 min)
13. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance. (for discussion and possible action) (attachment)
14. Report: Complaint Committee: meeting of April 6, 2010. (Nick Goldman) (discussion and possible action) (5 min)
15. Report: Education, Outreach and Training Committee meeting of April 8, 2010. (Sue Cauthen) (discussion and possible action) (5 min)
16. Administrator's Report. (discussion) (5 min)
17. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible. (no action) (12 min)
18. Announcements, comments, questions, and future agenda items from the Task Force. (no action) (no attachment) (5 min)

**Adjournment**

**Next regularly scheduled meeting: May 25, 2010**

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April 27, 2010

## SUNSHINE ORDINANCE TASK FORCE

## SPECIAL MEETING

## MINUTES

Tuesday, April 27, 2010

4:00 p.m., City Hall, Room 408

## Task Force Members

Seat 1	Erica Craven-Green (Vice Chair)	Seat 8	Bruce Wolf
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
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Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

## Call to Order 4:04 P.M.

**Roll Call Present:** Craven-Green, Knee, Washburn, Knoebber, Chan, Goldman, Williams  
**Excused:** Cauthen, Manneh, Johnson, Wolfe

**Agenda Changes:** There were no changes to the agenda.

**Deputy City Attorney:** Frank Brass

**Clerk:** Chris Rustom and LaTonia Stokes

1. **Approval of February 23, 2010, meeting minutes.**

It was motioned by Member Knee and seconded by Member Williams to approve the February 23, 2010 meeting minutes.

Member Washburn gave her revisions to the minutes.

**Public Comment:**

Peter Warfield, Executive Director of the Library User's Association, expressed disappointed with the minutes of February 23, 2010 and March 23, 2010, as the minutes did not reflect his comments provided at

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each of the meetings. Mr. Warfield further stated that it would be suitable and appropriate if the content of the minutes supplied information to both the Task Force and the public which set an example for minutes that are helpful and as complete as possible.

Mr. Warfield indicated that agenda item 16, which is commonly known as General Public Comment, did not reflect the correct verbiage of his comments and implied that he complained about the lack of recognition he received at the meeting of February 23, 2010.

Mr. Warfield suggested utilizing words that are less prejudicial to the speaker, and suggested statements such as, "The references in the matters that the Sunshine Ordinance Task Force sends out should correctly recognize the association and affiliation of the person or organization who has filed the complaint".

**2. Approval of March 23, 2010, meeting minutes.**

Member Washburn stated that she had not an opportunity to review the minutes and asked to have the item continued.

It was motioned by Member Goldman and seconded by Member Knoebber to continue the March 23, 2010 meeting minutes to the next meeting without objection. Motion passed unanimously.

**3. Special recognition to Kristin M. Chu for her community service as a Member and Chair of the Sunshine Ordinance Task Force.**

Chair Knee apprised the Task Force members that Ms. Chu has moved to New York. Member Knee stated that Ms. Chu contributed immeasurably to the Sunshine Ordinance Task Force, and asked members to offer their comments and sentiments regarding her departure.

Member Williams stated that Ms. Chu was pleasant, knowledgeable and dedicated to the Sunshine Ordinance Task Force.

Member Chan stated that Ms. Chu was very hard working and appreciated for all of her attributes.

Member Washburn stated that she previously met Ms. Chu at the League of Women Voters where she trained other Board Members and contributed a lot to the organization as a whole. Ms. Chu was also responsible for Member Washburn joining the Task Force.

Chair Knee added that Ms. Chu put a lot of thought into her work and her opinions were well founded and honest.

**Public Comment:**

Doug Comstock stated that he wanted to remember Ms. Chu and all of the effort that she contributed to the Task Force. Mr. Comstock specifically remembered her ability to always coordinate joint hearings between the Task Force and the Ethics Commission.

**4. 09057 The Education, Outreach and Training Committee has referred to the Task Force #09057 Peter Warfield v Clerk of the Board with a recommendation that it find the Clerk's Office in willful violation of the Ordinance and that it also find the Clerk's Office in violation of Sec. 67.21(c) for failure to send a representative to the Committee's hearing on March 11, 2010.**

**Public Comment:**

Mr. Warfield stated that the Clerk of the Board sent a letter dated April 27, 2010, to the Chair of the Task Force, Richard Knee, citing the timeline of the various events that had occurred surrounding this matter.

Mr. Warfield stated that the Task Force's rules state that material that is to be provided and considered at meetings must be provided at least a week in advance in order to be considered and if it is not, may not be considered by the Task Force. Mr. Warfield cited that receipt of the letter from the Clerk of the Board dated April 27, 2010, was inappropriate and did not comply with the ordinance.

Mr. Warfield expressed that while he was pleased with the acknowledgement from the Clerk of the Board that the Clerk's office violated the law, it does not excuse the fact that the Clerk's office violated the ordinance, and encouraged the Task Force to comply with the recommended action as referenced on the agenda.

Kimo Crossman stated that in a similar dispute with the Clerk's office he submitted a request for Sunshine Ordinance application renewals and upon receipt of the documents discovered that certain information had been redacted.

Mr. Crossman further stated that the only violation the Clerk has committed from his opinion was lack of meeting attendance and failure to provide valid justification for withholding certain information.

Doug Comstock stated historically prior to the creation of the Sunshine Ordinance, when members of the public were displeased with the conduct of a department or met with resistance on the disclosure of

information, the public would submit written correspondence to the Board of Supervisors. Upon arrival to the department, un-redacted information including names, addresses and telephone numbers were available. The information was then used to contact those people and organize against the City and County of San Francisco. However, the creation of the Sunshine Ordinance removed the process as an effective organizing tool, and Mr. Comstock expressed sadness over its elimination.

Mr. Comstock further stated that he was also concerned that this implies that information was illegally redacted by the Clerk of the Board as the information redacted was done without the public's permission. Mr. Comstock stated that

this should be clearly conveyed to the Clerk of the Board as the action to redact information without the expressed permission of the citizen's whose information is being redacted is illegal.

Discussion ensued among the Task Force members and a brief recess was called by Chair Kneec. Upon reconvening the meeting Chair Kneec stated this issue has already been referred to the Ethics Committee.

Chair Kneec cited that the other matter, complaint # 09056, which related to a request for information from the Clerk of the Board which contained redacted information, is not on the current agenda.

The Task Force recommended that the Education, Outreach and Training Committee review complaint number # 09056 and refer back to the Task Force.

Mr. Warfield recited that there were two issues being addressed in his complaint which include the following:

- 1) The Sunshine Ordinance Task Force find the Clerk of the Board's office in willful violation of the ordinance with respect to the complaint filed and;
- 2) Failure of the Clerk to send a representative to the Education, Outreach and Training Committee hearings when matters were before the Committee and under the law requires the department to attend.

Chair Kneec stated for the record there would be no action as no one on the Task Force presented a motion.

5. 09069

**The Compliance and Amendments Committee has referred to the Task Force a recommendation that #09057 Asian Law Caucus v Mayor's Office be forwarded to the Ethics Commission on the basis of willful failure to comply with the Order of Determination, willful failure to comply with the requirement to appear at hearings, and willful failure to provide justification for withholding.**

Member Craven-Green noted for the record that the agenda item contained an error in reporting, the reference numbers were cited wrong, however the item had been appropriately agendized.

Angela Chan, staff attorney at the Asian Law Caucus, stated that she submitted a Sunshine Ordinance request to the Mayor's Office on September 3, 2009. Ms. Chan requested documents relative to an internal breach of confidentiality of a confidential City Attorney's memo regarding the Sanctuary Ordinance that was leaked to the San Francisco Chronicle newspaper.

The Mayor admitted that he did in fact leak the memo, however upon request of the details of how the leak occurred, the Mayor's Office declined to respond and finally stated that the Office of the Mayor could not comply with the request.

On October 15, 2009, Ms. Chan submitted a complaint against the Mayor's Office relative to the breach of confidentiality as stated above. On December 1, 2009, the Task Force found that the Mayor's Office was in willful violation of the breach of confidentiality, failure to appear and failure to provide justification of withholding information relative to the complaint.

On January 5, 2010, in an attempt to address the remainder of the complaint before the Task Force, the Task Force found the Mayor's Office in willful violation of Section 67.34, (WILLFUL FAILURE SHALL BE OFFICIAL MISCONDUCT) of the ordinance, willful failure to comply and also in violation of Section 67.21 (PROCESS FOR GAINING ACCESS TO PUBLIC RECORDS; ADMINISTRATIVE APPEALS).

Ms. Chan recommended that the matter be referred to the Ethics Commission as it appears that the Mayor's Office is in violation of intentional, willful failure to comply with the request.

Kimo Crossman, stated that in the past he has filed complaints against the Mayor's Office and has found the Mayor's Office guilty of repeated violations of failure to comply with requests for information specific to Sunshine Ordinance matters. Mr. Crossman recommended that the Task Force refer the matter to the Ethics Commission and the Board of Supervisors for their consideration on a hearing.

Member Chan recommended that the Task Force refer the matter to the Board of Supervisors and the Ethics Commission as he agreed that this is a willful violation of failure to comply. Member Williams concurred with the recommendation as stated by Member Chan.

It was motioned by Member Craven-Green to refer the item on the basis of willful failure to comply with the order of determination, and willful failure to comply with the requirements of appearance at hearings and willful failure to provide justification of withholding, to the Ethics Commission and the Board of Supervisors, and naming the Mayor as the respondent on behalf of the Mayor's Office. The motion was seconded by



Member Goldman.

Member Chan and Chair Knee both recommended an amendment to the motion to include both, the Mayor and Shirley Chou, Deputy Communications Director/Advisor on Asian Affairs, Mayor's Office of Communication. Motion passed unanimously.

**Public Comment:**

Allen Grossman stated that the use of willful violation is unique to one section of the ordinance, Section 67.34, which relates to official misconduct. Mr. Grossman further stated that all that is needed is use of the word violation unless the desired result is to have a finding of official misconduct, in which case you make the finding and send it to the Ethics Commission. Official misconduct is not unique to the Sunshine Ordinance, it appears six other

places in the City Charter.

**6. 10007 Hearing on whether the City Attorney's Office's has complied with the Order of Determination in #10007 Chris Daly v Mayor's Office.**

April Veneracion, Legislative Aide to Supervisor Daly, stated that their office had not received their February 4, 2010 records request.

Member Craven-Green stated that the item was agendaized wrong and should read: Hearing on whether the Mayor's Office has complied with the Order of Determination in #10007 Chris Daly v Mayor's Office and not the City Attorney's Office.

Ms. Veneracion stated that the ruling from the Task Force did not yield any additional results from the Mayor's Office.

Member Craven-Green stated that this matter should be referred to the Ethics Commission and the Board of Supervisors for willful failure to comply with an Order of Determination and willful failure to send a representative to hearings.

Chair Knee stated that this was referred to the Compliance and Amendments Committee via email and did not receive a response. Member Chan motioned to refer the matter to the Board of Supervisors and the Ethics Commission, the motion was seconded by Member Wolfe. Motion passed unanimously.

**Public Comment:**

Kimo Crossman stated that he wanted to advocate on behalf of this matter and asked the Task Force to list all responsible parties for the official misconduct. Mr. Crossman further stated that the Task Force should be clear as cited earlier by Allen Grossman that the correct language is utilized in describing this matter to the Ethics Commission stating that official misconduct has occurred so that the Ethics Commission does not question whether this was a willful violation and responds appropriately.

Peter Warfield stated that there appears to be a tendency on the part of the Task Force, Orders of Determination, to list individuals as the cc's, who appear to be those responsible. Mr. Warfield stated that he thinks that it is very important to be very serious and clear about accountability.

Allen Grossman stated that if the Task Force is planning to refer the matter to the Ethics Commission the distinction is very important, as there is a distinction between official misconduct and what the Task Force does. In a case of official misconduct, the finding goes before the Ethics Commission, who then responds in the same manner as if it were a full hearing with all the due process rights that an official is entitled to.

Mr. Grossman further stated that a referral for failure to comply with an Order of Determination is an enforcement matter which could eventually lead to

official misconduct. It does not require any further investigation, and there is not any language in the ordinance that gives the Ethics Commission the power to re-investigate, which causes it to remain an enforcement matter.

Mr. Grossman further stated that Mr. John St. Croix, Executive Director of the Ethics Commission, managed to confuse two different parts of the Sunshine Ordinance with respect to requests for information and kept the information quiet, until Mr. Grossman's subsequent lawsuit forced Mr. St. Croix to reveal the files.

Discussion ensued between the Task Force members and the members unanimously agreed that the Committee find the Mayor and Mr. Joe Arrellano in willful failure to comply with an Order of Determination, willful failure to appear at hearings, and a finding of official misconduct based on the willful failures.

**7. 10008 Determination of Jurisdiction on complaint filed by Sandra Brotherton against the Department of Emergency Management for allegedly failing to produce copies of reports related to several 9-1-1 calls.**

Member Goldman motioned that the Task Force find jurisdiction on the item. It was seconded by Member Knoebber. Motion passed unanimously.

**Public Comment:**

None.

8. 10008 Hearing on complaint filed by Sandra Brotherton against the Department of Emergency Management for allegedly failing to produce copies of reports related to several 9-1-1 calls.

Sandra Brotherton stated that the Custodian of Records, Leann Bybie, an employee of the Department of Emergency Management, failed to provide un-redacted computer aided dispatch (CAD) information reports pertaining to 9-1-1 calls identifying Ms. Brotherton as unstable and a potential §1/50 candidate.

After several attempts to obtain the requested information, Ms. Brotherton escalated the matter to the District Attorney's Office, who subsequently filed a complaint on her behalf. Ms. Brotherton ultimately withdrew the complaint because it was in the wrong jurisdiction. Ms. Brotherton made another request for CAD information and again did not receive any response. Ms. Brotherton disclosed that she had further documentation that Ms. Bybie was unaware of, however expressed a desire to move forward on the item before the Task Force.

Chair Knee stated that since there was additional documentation that the respondent had not had an opportunity to review, it was not appropriate to introduce the item without a recommendation to continue the matter.

Dave Everly, Support Services Manager, from the Department of Emergency Management, Division of Emergency Communications, stated that he is responsible for management of the Custodian of Records. Annette Goley, supervisor of the Custodian of Records stated that their department receives over 1 million calls per year and it does not have the capacity to individually identify each request for information. The inability to scrutinize each request, causes certain information to be withheld, as it would otherwise become subjective.

Task Force Members, Craven-Green, Knoebber, and Williams all provided comments regarding the 9-1-1 calls and their respective views. Each indicated that the public should not be discouraged from calling 9-1-1 due to their personal information being disclosed and in many cases, this has happened.

Member Goldman motioned that the Task Force find no violation on the item. It was seconded by Member Craven-Green. Motion failed 5-3.

**Public Comment:**

Kimo Crossman stated that 9-1-1 calls as heard both on the radio and on the news is information that can be disclosed to the public. If callers would like to have their information kept private, they should exercise the use of a public pay phone.

Peter Warfield stated that the law is clear and specific regarding the disclosure of information, and what is exempt and what is not. Mr. Warfield expressed concern with what he described as the Task Force attempting to create the law and stated that this is very inappropriate even if there is some degree of legitimacy to doing so and advised the Task Force to operate within the confines of the law.

Member Wolfe stated that he found some of the statements in the report from Mr. Paul Zarefsky troubling as he believes that a person has the right to confront their accuser in an open court. As a member of the public people are subject to telemarketing calls from companies who do not disclose where they obtained the information. Information can be obtained from a master voter file as it contains all the pertinent information about a person available for public view.

Member Wolfe further stated that based upon Mr. Zarefsky's references, redactions under CLETS do not apply and thinks that what is being redacted is proper relative to a person's personal criminal history which may include the complainant who may not want to be exposed. Under Megan's Law, it's exposed and this validates that there are cases where certain information does get exposed in certain situations. Member Wolfe stated that he was not convinced in this particular situation, that certain information should be withheld.

Member Williams motioned to find violation of Sections 67.21, 67.24 and 67.27. It was seconded by Member Chan.

**Public Comment on the Second Motion:**

Kimo Crossman stated that he was pleased that the Task Force was exploring this matter further. Mr. Crossman further stated that calls to 9-1-1 are not private and upon calling 9-1-1, there is not any recording that states your information will be remain private and undisclosed to others. This is why recordings of calls are heard on both the radio and the news.

Peter Warfield stated he believed that no one should be allowed to talk to anyone anytime or send, emails, or letters because it may frighten the person or cause them a considerable amount of discomfort. The claims of

the possible potentialities are something that any person with any fertile imagination could use as a reason to forbid almost any contact of any kind or any disclosure of any kind.

Mr. Warfield further stated that the law is explicit. Citing Section 67.26:

**Withholding Kept To A Minimum**, which states that *no record shall be withheld from disclosure in its entirety unless all information contained in it is exempt from disclosure under express provisions of the California Public Records Act or some other statute. Information that is exempt from disclosure shall be masked, deleted or otherwise segregated in order that the nonexempt portion of a requested record may be released, and keyed by footnote or other clear reference to the appropriate justification for withholding required by Section 67.27 of this article. This work shall be done personally by the attorney or other staff member conducting the exemption review. The work of responding to a public-records request and preparing documents for disclosure shall be considered part of the regular work duties of any city employee, and no fee shall be charged to the requester to cover the personnel costs of responding to a records request.*

Mr. Warfield encouraged the Task Force to bring this matter before the Board of Supervisors.

Mr. Grossman stated this is very typical of what Mr. Zarefsky does as the department was likely advised on the appropriate communication to engage regarding this matter directly from Mr. Zarefsky. Mr. Zarefsky cites four sections in the California Public Records Act and Sunshine Ordinance on specific context where privacy is protected, coupled by further comments about the importance of health, safety and the protection of the caller. However, none of that information is embraced in the four exemptions and they are the only four that can prevent the disclosure of the 9-1-1 calls. Mr. Grossman further stated that none of the four exemptions apply to a 9-1-1 call.

Member Wolfe stated that he agrees with some of the public testimony given with regards to the law as followed by the Task Force, which it makes

determinations on. Member Wolfe referenced Mr. Zarefsky's response citing that he did not understand what personal and private information was being revealed as referenced by Mr. Zarefsky's response, except for the person's name of the person who responded. Moreover, Mr. Zarefsky takes an excerpt of Section 6254 (f) of the CPRA, citing

*"However, state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, nothing in this division shall require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer."*

Mr. Wolfe stated that he had not heard from the discussion if the investigating officer or the police department and not CAD, have identified that the caller would be in danger or if CAD had not received any such information from the police department, there would be no reason to withhold the information.

Anette Goley stated that once officers are dispatched to an incident, the department does not have any control over what takes place and have no way of knowing what the officer may have determined upon arrival to the scene, which is why they do not provide the information as they do not have the ability to assess the situation beforehand, as they are not a part of the investigative body of their portion of an incident.

Discussion ensued between the Task Force and the respondent. The Deputy City Attorney, Frank Brass, was asked to clarify the issue and the relative points raised by Member Wolfe. Mr. Brass stated that the discussion involved a policy for the respondent agency and a judgment call made involving this particular case as well as public policy encouraging candor and using 9-1-1 services. What is currently in place is a policy that protects that privacy. Mr. Brass further stated that if the Task Force were to change the policy for this particular case, it would open the flood gates for the public to be more concerned, and advised the Task Force to proceed very carefully before proceeding forward.

**9. 10011 Determination of jurisdiction on complaint filed by Juan DeAnda against the Department of Public Health for allegedly withholding information.**

Member Goldman motioned that the Task Force find jurisdiction on the item. It was seconded by Member Knoebber. Motion passed unanimously

**Public Comment:**

None.

**10. 10011 Hearing on complaint filed by Juan DeAnda against the Department of Public Health for allegedly withholding information.**

Chair Knee motioned to continue the item as neither the complainant nor the respondent were present. The Task Force took action on the item as it was determined there was enough information before the Task Force to make a determination in the case.

Member Craven-Green indicated that the complainant was requesting information from the San Francisco Department of Public Health data on ethnic minorities, that were being served by SWORD Plow Shares. The response from the department was that they did not have the information as they do not request the information and it is not supplied.

Discussion ensued and the Task Force found the department to be in compliance with the request as submitted by Mr. DeAnda.

Member Wolfe stated that if SWORD Plow Shares receives City funds, they are subject to Sunshine Rules. Member Craven-Green stated that SWORD Plow Shares do receive City funds, however they are only subject to Administrative Code Section 12L.

**Public Comment:**

Peter Warfield stated that the Task Force should consider what the interested parties may want to do. It would be reasonable to allow the parties an opportunity to make an appearance on their own behalf as the Chair suggested.

Mr. Warfield also indicated that there had been previous discussion in the past regarding violations by departments that do not appear for hearings, which creates the potential for a violation for the department. However the department(s) may be able to reasonably justify their lack of attendance at meetings and the Task Force may undoubtedly find that the departments is not in violation.

Kimo Crossman mirrored Mr. Warfield's comments and recommended that the Task Force table the item and offer both parties an opportunity to appear before the Task Force.

Member Crave-Green stated that she did not see the ambiguity in this case to have the item continued as it's unclear how each of the parties would like to proceed as neither were present. Member Williams mirrored Member Craven-Green's comments and stated that she wanted to continue the item as there was further information to be heard.

Member Wolfe motioned to continue the item to May 25, 2010, it was seconded by Member Washburn. Motion passed unanimously.

**11. 10012 Determination of jurisdiction on complaint filed by Ellen Tsang against the Planning Department for allegedly not responding to her Immediate Disclosure Request and alleged failure to produce a public document.**

Member Goldman motioned that the Task Force find jurisdiction on the item. It was seconded by Member Knoebber. Motion passed unanimously.

**Public Comment:**

None.

Member Washburn disclosed for the record that she is a near neighbor of the complainant, and did not see any potential conflict of interest.

**12. 10012 Hearing on complaint filed by Ellen Tsang against the Planning Department for allegedly not responding to her Immediate Disclosure Request and alleged failure to produce a public document.**

Ellen Tsang stated that an email from Agnes Lau of the Planning Department was sent to the Building department on February 12, 2010, stating that the department had received a few complaints for violation of the building code. The email was in reference to property located at 769 Northpoint which housed an illegal oversized storage shed in the rear yard. Ms. Lau's correspondence stated that the variance was denied by the Planning Department as the shed was too large and required a reduction in size.

Ms. Tsang stated that on March 24, 2010, she submitted an Immediate Disclosure Request to Ms. Lau, requesting receipt of the documents electronically via email. Both Ms. Lau and the Planning Department did not respond to her request. On March 29, 2010, Ms. Tsang submitted a complaint to the Sunshine Ordinance Task Force.

Ms. Tsang further stated that the Planning Department did not comply with her Immediate Disclosure Request, did not respond with the required 5 business days, and believes that the Planning Department is in violation of Sunshine Laws.

Anonymous Tenants mirrored Ms. Tsang's comments regarding their inability to provide documents as requested.

Member Craven-Green stated that there was a violation of Sections 67.21 and 67.25 of the Ordinance and motioned the item, it was seconded by Member Goldman.

**Public Comment:**

Kimo Crossman stated that he wanted to include Section 67.21 (e) to the motion.

Peter Warfield stated that the Task Force should investigate whether the Planning Department responded to the complainant within the five day requirement.

**13. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance.**

The Task Force members reviewed and proposed amendments to Section 67.15 of the Ordinance and reviewed other subsections of Section 67.

**14. Report: Complaint Committee: Meeting of April 6, 2010. (Nick Goldman)**

There was no report.

**15. Report: Education, Outreach and Training Committee meeting of April 8, 2010. (Sue Cauthen)**

There was no report. Member Cauthen was unavailable.

**16. Administrator's Report.**

Mr. Rustom provided the Administrator's report to the Task Force.

**17. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible. (no action) (12 min)**

Allen Grossman stated that there are two serious ongoing problems that have not been properly addressed that involve the Deputy City Attorney, Jerry Threat, public records requests from Mr. Grossman, and the City Attorney's ability to force individuals to take action in order to get public records.

Mr. Grossman indicated that he sent a public records request to Mr. Threat on April 20, 2010, requesting information specific to the time records maintained by Mr. Threat relative to the amount of time allocated to the Sunshine Ordinance Task Force. Mr. Grossman stated that the allocation of time had been reduced from 100% to 40% to 18% of his normal hourly production. When Mr. Threat did not respond, Mr. Grossman sent a fax to the Deputy City Attorney's office along with a copy of the original email request, on April 22, 2010.

Again, Mr. Grossman received no response. Mr. Grossman asked the Task Force what should he do as this is a problem that every member of the public faces, time and time again. This can be addressed in the amendments to the Ordinance ensuring that the public's interest is paramount and ensuring that the City Attorney's is charged with the responsibility of protecting the public's interest in obtaining public records.

Kimo Crossman stated that he recently sent email correspondence to members of the Task Force relating to his concerns with the current draft of the Sunshine Ordinance.

Brid Star stated that a few months ago she submitted a public records request to the City Attorney's Office for disclosure of papers relating to the misconduct of Marilyn O'Brien. Ms. Star indicated that her request was originally scheduled to be heard before the Task Force, however she was not available to attend the meeting and her complaint was subsequently dismissed. Ms. Star made another request to have the matter heard before the Task Force.

Chair Knee and Member Craven-Green both stated that Ms. Star's case was not dismissed, it was heard before the Task Force and there was no action taken to refer the matter to another body.

Doug Comstock passed around an editorial relating to Mr. Kimo Crossman and Allen Grossman. The article was specific to a Sunshine Ordinance article.

**18. Announcements, comments, questions, and future agenda items from the Task Force.**

Adjournment: The meeting was adjourned at 10:15 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force



**Sunshine Ordinance Task Force**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Tuesday, May 4, 2010  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	Erica Craven-Green(Vice Chair)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

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**Call to Order; Roll Call; Agenda Changes**

1. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance (discussion and action item) (attachment)

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Next regularly scheduled meeting: May 25, 2010



## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (*Section 67.16*)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (*Section 67.7-1 (c)*)

- |  |                      |
|--|----------------------|
| 1. Complainant presents his/her facts and evidence         | 5 minutes            |
| 2. Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 3. City responds   | 5 minutes            |
| 4. Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |  |                      |
|--|----------------------|
| 5. Matter is with the Task Force for discussion and questions.   |                      |
| 6. Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 7. Matter is with the Task Force for motion and deliberation.  |                      |
| 8. Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 9. Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

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May 4, 2010

## SUNSHINE ORDINANCE TASK FORCE

## SPECIAL MEETING

## MINUTES

Tuesday, May 4, 2010

5:00 p.m., City Hall, Room 406

## Task Force Members

Seat 1	(Vacant)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Angela Calvillo
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

## Call to Order 5:30 P.M.

**Roll Call** Present: Knee, Cauthen, Washburn, Wolfe, Chan, Goldman  
Excused: Manneh, Knoebber, Johnson, Williams

**Deputy City Attorney:** Jerry Threet (not present)

**Clerk:** Chris Rustom

## 1. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance

Members discussed Section 67.23 as a whole and made minor changes.

They are:

Change "67.21" to "67.20" in sub-section (a);

"section 67.21" to read "Section 67.21" and adding space after "21" in sub-section (c);

"journalist or any member of the public" in sub-section (d) to read "journalist or other members of the public;" and

"rights enjoyed by public employees" in sub-section (e) to read "rights of public employees"

Approved without objection.

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Members then discussed Section 67.23(a) and took public comment:

Peter Warfield, Allen Grossman and Kimo Crossman were against the creation of a custodian of records.

Member Wolfe agreed and members discussed the issue further.

Motion to add language that says "Every department and policy body shall at all times during its hours of operation have at least one person knowledgeable about the affairs of the entity available to provide public information." And delete remaining section ( Knee / Goldman )

Public Comment: Allen Grossman, Kimo Crossman, Peter Warfield, Ray Hartz, Ellen Tsang and Anonymous Tenants spoke in support of the motion.

On the motion:

Ayes: Cauthen, Washburn, Wolfe, Chan, Goldman, Knee

Quorum was lost at 6:32 p.m.

**Adjournment:**

**The meeting was adjourned at 6:33 p.m.**

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force

**Sunshine Ordinance Task Force**



City Hall  
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**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Tuesday, May 11, 2010  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	(Vacant)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
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Call to Order; Roll Call; Agenda Changes

1. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance (discussion and action item) (attachment)

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Next regularly scheduled meeting: May 25, 2010

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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- |   |                      |
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| 3. Matter is with the Task Force for discussion and questions.   |                      |
| 4. Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. Matter is with the Task Force for motion and deliberation.  |                      |
| 6. Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

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May 11, 2010

## SUNSHINE ORDINANCE TASK FORCE

## SPECIAL MEETING

## MINUTES

Tuesday, May 11, 2010

5:00 p.m., City Hall, Room 406

## Task Force Members

Seat 1	(Vacant)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	LaTonia Stokes
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

Call to Order 5:09 P.M.

**Roll Call Present:** Knee, Manneh, Washburn, Knoebber, Johnson, Chan (in at 5:29 p.m.), Goldman  
**Excused:** Cauthen, Wolfe, Williams

**Deputy City Attorney:** Jerry Threat (not present)**Clerk:** Chris Rustom

1. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance

Chair Knee welcomed LaTonia Stokes to the Task Force. She was appointed to the Clerk of the Board's non-voting ex-officio seat earlier in the day. Chair Knee also welcomed back Member Manneh who was out of the country for a few weeks on assignment for New America Media.

Members were also told by Chair Knee that the clerk has handed out updated copies of the proposed amendments. He also said the minutes recording the changes to the document need to be posted as required by the Ordinance.

Members then discussed Section 67.23.

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Motion to replace verbiage in Section 67.23(a) ( Goldman / Wasbburn )

The sub-paragraph now reads: "Every department and policy body shall at all times during its hours of operation have at least one person knowledgeable about the affairs of the entity, available to provide public information."

The sub-paragraph previously read: "Every department head~~department or policy body~~ shall designate a person or persons knowledgeable about the affairs of the ~~department or policy body~~~~department~~, to provide information, including oral information, to the public about the department's ~~department's or policy body's~~ operations, plans, policies and positions. The ~~department or policy body~~ department head may designate himself or herself ~~the custodian of records identified pursuant to 67.21 (a) of the Ordinance~~ for this assignment, but in any event shall arrange that an alternate be available for this function during the absence of the person assigned primary responsibility. If a ~~department or policy body~~~~department~~ has multiple bureaus or divisions, the department may designate a person or persons for each bureau or division ~~may be designated~~ to provide this information."

Public Comment: Allen Grossman said members do not know where they left off at the last meeting because no minutes were presented. He also said the meeting was illegal because it was not noticed outside the hearing room. He also said the document distributed earlier could not be used because it was not available to the public 72 hours before the meeting. The process is as important as the content, he said. Peter Warfield said the process was a mess and that the proposed amendments lacked tracking documentation. He said the change to Section 67.23 should be repeated because some members of the audience were not in attendance during the last meeting. He also said all employees are custodian of records.

On the motion:

Ayes: Manneb, Wasbburn, Knoebber, Johnson, Goldman, Knee.

Chair Knee, in response to Mr. Warfield's comments, repeated the new verbiage for Section 67.23. To Mr. Grossman, Chair Knee said the Ordinance does not require the posting of agendas outside the hearing room. He also said because of a speaker's comments earlier in the hearing, he was reluctant to continue the meeting. He also instructed the clerk to include all minutes in the next agenda package.

Motion to adjourn meeting ( Washburn / Goldman )

Public comment: Mr. Grossman said the Clerk of the Board needs to be informed why the meeting had to be adjourned. Mr. Warfield said the decision was unfortunate but necessary.

Chair Knee announced that he was going to meet a member of the Board of Supervisors and a legislative aide to see how much lead time they need on the amendments.

Chair Knee also instructed members to review the current Ordinance and see which five sections they want changed, inserted, deleted or improved. He then called for a special meeting on Tuesday May 18, at 5 pm in Rm. 406.

On the motion:

Ayes: Manneb, Wasbburn, Knoebber, Johnson, Chan, Goldman, Knee

**Adjournment:**

**The meeting was adjourned at 5:45 p.m.**

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force

**Sunshine Ordinance Task Force**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Tuesday, May 18, 2010  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	(Vacant)	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Latonya Stokes
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance (discussion and action item) (attachment)

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Next regularly scheduled meeting: May 25, 2010



## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (Section 67.7-1 (c))

- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

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**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

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Date: May 18, 2010

Item No. 1

File No. \_\_\_\_\_

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*



Proposed amendments



Completed by: Chris Rustom

Date: May 14, 2010

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



CITY &amp; COUNTY OF SAN FRANCISCO

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May 18, 2010 - special

## SUNSHINE ORDINANCE TASK FORCE

## SPECIAL MEETING

Tuesday, May 18, 2010

5:00 p.m., City Hall, Room 406

## Task Force Members

Seat 1	(Vacant)	Seat 8	Bruce Wolf (Vice Chair)
Seat 2	Richard Kneee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Nick Goldman
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	LaTonya Stokes
Seat 7	Doyle Johnson	Ex-officio	(Vacant)

## Call to Order 6:02 P.M.

Roll Call Present: Kneee, Manneh, Washburn, Wolfe, Chan  
Excused: Cauthen, Knoebber, Johnson, Goldman, Williams

No quorum

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May 25, 2010

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

**Tuesday, May 25, 2010  
4:00 p.m., City Hall, Room 408**

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**Task Force Members**

Seat 1 David Snyder  
Seat 2 Richard Knee (Chair)  
Seat 3 Sue Cauthen  
Seat 4 Suzanne Manneh  
Seat 5 Allyson Washburn  
Seat 6 James Knoebber  
Seat 7 Nick Goldman

Seat 8 Bruce Wolfe  
Seat 9 Hanley Chan  
Seat 10 Hope Johnson  
Seat 11 Marjorie Ann Williams

Ex-officio LaTonia Stokes  
Ex-officio (Vacant)

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Call to Order; Roll Call; Agenda Changes

1. Approval of March 23, 2010, meeting minutes. (action item) (5 min)
2. Approval of April 27, 2010, meeting minutes. (action item) (5 min)
3. Hearing to review new information that could result in the reopening of #09075 Bred Starr v City Attorney's Office. (action item) (attachment) (15 min)
4. 10011 Determination of jurisdiction on complaint filed by Juan DeAnda against the Department of Public Health for allegedly withholding information. (action item) (attachment) (5 min)
5. 10011 Hearing on complaint filed by Juan DeAnda against the Department of Public Health for allegedly withholding information. (action item) (attachment) (15 min)
6. 10013 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Bay Area Video Coalition and forwarded to the Department of Technology for resolution under Chapter 12L of the Administrative Code. (action item) (attachment) (5 min)
7. 10013 Hearing on complaint filed by Nick Pasquariello against the Bay Area Video Coalition and forwarded to the Department of Technology for resolution under Chapter 12L of the Administrative Code. (action item) (attachment) (15 min)
8. 10015 Determination of jurisdiction on complaint filed by Ellen Tsang against the Planning Department for violating Sections 67.21(a)(b)(c)(d)(i), 67.21-1(a)(b) and 67.34 (action item) (attachment) (5 min).
9. 10015 Hearing on complaint filed by Ellen Tsang against the Planning Department for violating Sections 67.21(a)(b)(c)(d)(i), 67.21-1(a)(b) and 67.34 (action item) (attachment) (15 min)
10. 10009 Determination of jurisdiction on complaint filed by Majcid Crawford against the City Attorney's Office for allegedly not providing public information. (action item) (attachment) (5 min)
11. 10009 Hearing on complaint filed by Majcid Crawford against the City Attorney's Office for allegedly not providing public information. (action item) (attachment) (15 min)
12. 10010 Determination of jurisdiction on complaint filed by Paula Datesh against the Arts Commission

for allegedly not notifying her of an agenda item. (action item) (attachment) (5 min)

13. 10010 Hearing on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item. (action item) (attachment) (15 min)

14. 10016 Determination of jurisdiction on complaint filed by Ray Hartz against the Rent Board for an allegedly violating Section 67.24 of the Sunshine Ordinance. (action item) (attachment) (5 min)

15. 10016 Hearing on complaint filed by Ray Hartz against the Rent Board for an allegedly violating Section 67.24 of the Sunshine Ordinance. (action item) (attachment) (15 min)

16. 10017 Determination of jurisdiction on complaint filed by Ray Hartz against the Rent Board for an allegedly violating Section 67.16 of the Sunshine Ordinance. (action item) (attachment) (5 min)

17. 10017 Hearing on complaint filed by Ray Hartz against the Rent Board for an allegedly violating Section 67.16 of the Sunshine Ordinance. (action item) (attachment) (15 min)

18. 10021 Determination on complaint filed by Anonymous against the Recreation and Park Department for refusing to provide access to the Master Plan for the Botanical Gardens at Strybing Arboretum (action item) (attachment) (5 min)

19. 10021 Hearing on complaint filed by Anonymous against the Recreation and Park Department for refusing to provide access to the Master Plan for the Botanical Gardens at Strybing Arboretum. (action item) (attachment) (15 min)

20. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance. (for discussion and possible action) (attachment) (30 minutes)

21. Report: Complaint Committee: meeting of May 11, 2010. (Nick Goldman) (discussion and possible action) (5 min)

22. Report: Education, Outreach and Training Committee meeting of May 13, 2010. (Doyle Johnson) (discussion and possible action) (5 min)

23. Administrator's Report. (discussion) (5 min)

24. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible. (no action) (12 min)

25. Announcements, comments, questions, and future agenda items from the Task Force. (no action) (no attachment) (5 min)

Adjournment

Next regularly scheduled meeting: June, 22, 2010

THE AGENDA PACKET IS AVAILABLE FOR REVIEW  
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

### SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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1. Complainant presents his/her facts and evidence 5 minutes  
Other parties of Complainant present facts and evidence Up to 3 minutes each
2. City responds 5 minutes  
Other parties of City respond Up to 3 minutes each  
Above total speaking times for Complainant and City to be the same.
3. Matter is with the Task Force for discussion and questions.
4. Respondent and Complainant presents clarification/rebuttal 3 minutes
5. Matter is with the Task Force for motion and deliberation.
6. Public comment (Excluding Complainant & City response, witnesses) Up to 3 minutes each

7. Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.)

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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CITY &amp; COUNTY OF SAN FRANCISCO

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May 25, 2010

## SUNSHINE ORDINANCE TASK FORCE

## REGULAR MEETING

## MINUTES

Tuesday, May 25, 2010

4:00 p.m., City Hall, Room 408

## Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	LaTonia Stokes
Seat 7	Nick Goldman	Ex-officio	(Vacant)

## Call to Order 4:18 P.M.

**Roll Call Present:** Snyder, Knee, Cauthen, Washburn (in at 4:27), Knoebber, Wolfe (in at 4:23) Johnson, Williams  
**Excused:** Manneh, Goldman, Chan

**Agenda Changes:** Items 21 and 22 heard before Item 20. Item 24 heard before Item 8

**Deputy City Attorney:** Jerry Threet

**Clerk:** Chris Rustom

1. Approval of March 23, 2010, meeting minutes.

Motion to approve March 23, 2010, regular meeting minutes ( Cauthen / Knoebber )

**Public Comment:** Ray Hartz said the minutes on the website need to be updated. Allen Grossman wanted to know if it was appropriate for members who were not at a particular meeting be allowed to vote on the minutes.

To Chair Knee, DCA Threet said members who were not at a particular meeting can vote on the minutes of that meeting

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Member Williams made a motion to continue the minutes to the June 22, 2010, meeting but it died for lack of a second.

On the motion to approval March 23, 2010, regular meeting minutes:

Ayes: Snyder, Cauthen, Knoebber, Johnson, Knee

Noes: Wolfe, Williams

Motion failed. Matter continued to June 22, 2010, meeting.

2. Approval of April 27, 2010, regular meeting minutes.

Motion to approve March 23, 2010, regular meeting minutes ( Cauthen / Knoebber )

Public Comment: Allen Grossman said there were special meetings that occurred in March and need to be included before approving this document.

On the motion:

Ayes: Snyder, Cauthen, Washburn, Knoebber, Johnson, Knee

Noes: Wolfe, Williams

3. Hearing to review new information that could result in the reopening of #09075 Bred Starr v City Attorney's Office.

Item removed.

4. 10011 Determination of jurisdiction on complaint filed by Juan DeAnda against the Department of Public Health for allegedly withholding information.

The complainant was not present. There was no one in the audience to present facts and evidence on behalf of the complainant.

The respondent was not present. There was no one in the audience to present facts and evidence on behalf of the respondent.

Motion to find jurisdiction ( Knoebber / Cauthen )

Public Comment: None

On the motion:

Ayes: Snyder, Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Williams, Knee.

5. 10011 Hearing on complaint filed by Juan DeAnda against the Department of Public Health for allegedly withholding information.

The complainant was not present. There was no one in the audience to present facts and evidence on behalf of the complainant.

The respondent was not present. There was no one in the audience to present facts and evidence on behalf of the respondent.

Motion to table matter ( Knoebber / Cauthen )

On the motion:

Ayes: Snyder, Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Williams, Knee.

6. 10013 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Bay Area Video Coalition and forwarded to the Department of Technology for resolution under Chapter 12L of the Administrative Code.

Motion to find jurisdiction ( Knoebber / Cauthen )

Members then discussed whether Admin Code 12L requirements had been met.

Motion to continue the matter to June 22, 2010, meeting. ( Wolfe / Williams )

Ayes: Wolfe, Williams

Noes: Snyder, Cauthen, Washburn, Knoebber, Chan, Johnson, Knee

On the motion: to find jurisdiction

Ayes: Snyder, Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Williams, Knee

Noes: Knoebber, Knee

7. 10013 Hearing on complaint filed by Nick Pasquariello against the Bay Area Video Coalition and forwarded to the Department of Technology for resolution under Chapter 12L of the Administrative Code.

Complainant Nick Pasquariello said three months ago he appeared before the Task Force because the Bay

Area Video Coalition did not respond to a letter asking them to explain their policy of scanning drivers' licenses. BAVC, he said, receives public money and the residents of the City and County of San Francisco have the right to know how they are spending it. Steve Zeltzer said he also has requested documents from BAVC and had not received a response. BAVC should be subject to rules that other contractors with the city have to follow, he said. This was especially important when there is a decline in the number of users of the station. He said there were 130 producers before and now only 50 people make use of it. He wanted to know where the money was going if fewer people were making use of it. A member of the public claimed he saw numerous items being given away when the station closed in late 2009. The public has the right to know what was given away, he said. The Board of Supervisors, he noted, was denied a \$375,000 grant in January. He also said his computer was recently hacked costing him the loss of numerous passwords and wondered if there was a connection with him having to provide BAVC with a copy of his driver's license. A female speaker said Mr. Pasquariello may be right or wrong about the driver's license issue but understood the need to ascertain for himself how the money was being spent and if the services are being provided in compliance with the contract the City has signed.

Krisana Hodges, who represented BAVC, said the contract with the City stipulates that only the contract and its application documents are subject to Section 67.24(e). There are no other provisions, she said. The document that Mr. Pasquariello wants was available online through the Department of Technology. Admin Code 12L, she said, calls for open board meetings, which it holds, and that there are no complaints against BAVC for not holding open meetings as required. The other requirements mentioned in 12L have not been requested. She said she has tried several times to contact Mr. Pasquariello but that he has not responded. Barry Fraser, an analyst with the Department of Technology, said the department received one faxed request for documents on December 16 and the department responded to it the next day. Since then, he said, the department has not received anything from Mr. Pasquariello. He offered to help the Task Force resolve the issue and said he was also prepared to talk to Mr. Pasquariello to see what additional documents he wanted. He added that the 50-page budget that Mr. Pasquariello mentioned does not exist.

Motion to find violation of Section 67.21(b) for untimely response ( Cauthen / Washburn )

Public Comment: Kimo Crossman said he was for the motion but the Task Force also needs to see if there were violations under Sections 67.4(b) 67.29(vi), 67.29(vii)(c) which also applies to non-profits. Ray Hartz said there are many ways to contact a person and the department should not have waited until the last minute to offer a solution when it seemed that there was going to be a violation vote. Allen Grossman said he was worried about departments outsourcing operations because what were once open records becomes undisclosable.

Member Washburn made a friendly amendment to include Section 67.26 for withholding. It was accepted by the maker of the motion.

Motion to find violation of Section 67.21(b) for untimely response and Section 67.26 for withholding ( Cauthen / Washburn )

On the motion:

Ayes: Cauthen, Washburn, Wolfe, Chan, Johnson, Williams

Noes: Snyder Knoebber, Knee

Matter referred to the Compliance and Amendments Committee for follow up.

8. 10015 Determination of jurisdiction on complaint filed by Ellen Tsang against the Planning Department for allegedly violating Sections 67.21(a),(b),(c),(d),(f), 67.21-1(a),(b) and 67.34

Motion to find jurisdiction: ( Knoebber / Cauthen )

Ayes: Snyder, Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Williams, Knee

9. 10015 Hearing on complaint filed by Ellen Tsang against the Planning Department for violating Sections 67.21(a),(b),(c),(d),(f), 67.21-1(a),(b) and 67.34

Complainant Ellen Tsang said she requested five specific documents from Jonas Iorin of the Planning Department on March 11. She said the department refused to provide her with the documents and on April 14 she filed a complaint. She said the department, including the department head, was notified on April 21 of the complaint and was told that the department had to provide a response within five business days. The department, she said, failed to respond to the notification. She also said the department was told that if it had any additional documents the Task Force needed it by 4 p.m. on May 18. The department did not submit anything and to date she has not received the documents she requested. The existence of the documents was evidenced by emails between Mr. Iorin and the architect of the project at 2642-2644 Hyde Street, she said. The documents are required by the Planning Department to approve the project and the permit was being appealed before the Board of Appeals. She said she needed the documents before June 3 in order to present her case. She added that she contacted the department on May 24 and again she did not get a response. Anonymous Tenants said this was a simple case that shows that the Planning Department does not want the public to have access to public records, especially if it involves another hearing. He said a similar case was brought before the Task Force and it took more than nine months to resolve the issue, but unfortunately it was after the hearing had taken place. He said it seems that the planners have a separate file from what is available to the public. He also said if the public cannot obtain the necessary documents then citizens cannot present a watertight case at the hearing. If Planning does not have the records, it means that the department is not maintaining documents in a professional manner.

Mr. Ionin said the department had responded to Ms. Tsang's request about this project repeatedly over the course of many years. He then presented a history of the case but was not able to explain the department's response to the March 11 request because his five-minute allocation had expired.

Member Cauthen wanted to know if certain documents mentioned in the request existed and if so were they provided.

Mr. Ionin said the documents existed but if the complainant wanted a copy she needed to contact the Department of Building Inspection.

On the Assessor's map, Mr. Ionin said he directed the complainant to go to the Assessor's Office to get a copy. On the request for architect Robert Mittelstadt's final signed and stamped revision drawings, he said, the applicant and the architect need to approve the document's release. He added that a copy of the revised drawings, but without the signature and stamp, had been provided to the complainant. Once it is stamped, he said, it becomes a copyright issue and is governed by state law.

To Member Cauthen, Ms. Tsang said the plan had undergone 13 revisions and she did not know what the final version looked like.

Chair Knee wanted to know if Mr. Ionin had responded to the March 11 request. Mr. Ionin conceded that he had not even though he had answered the same question the previous day.

In closing, Mr. Ionin said the department has responded the Ms. Tsang's requests in good faith and would continue to do so in the future provided that the department was in possession of the document she requests. Ms. Tsang said the bottom line was that Mr. Ionin did not produce the documents she requested. She said even though the documents were forwarded to other agencies, the Planning Department was in possession of the master file.

Motion to find violation of Sections 67.21, 67.25, 67.26 and 67.27 ( Washburn / Wolfe )

Public Comment: Ray Hartz said Mr. Ionin's decision to not respond to the request was a willful violation. Allen Grossman said there was a lack of sensibility at Planning and Building Inspection to make files available to the public. Kim Crossman said California Public Records Act Section 6253(b) requires that an exact copy be produced and Section 67.26 of the Ordinance says responding to the public is part of an employee's duties.

Member Cauthen said knowing how the departments operated, she believes that the department made a good faith effort and was against finding a violation.

Member Williams disagreed. She said Mr. Ionin himself has said that he did not respond to the March 11 request.

On the motion:

Ayes: Snyder Cauthen, Washburn, Wolfe, Chan, Johnson, Williams, Knee

Noes: Cauthen, Knoebber

Matter referred to Compliance and Amendments Committee.

10. 10009 Determination of jurisdiction on complaint filed by Majed Crawford against the City Attorney's Office for allegedly not providing public information.

Motion to find jurisdiction ( Knoebber / Wolfe )

Ayes: Snyder Cauthen, Washburn, Knoebber, Wolfe, Johnson, Williams, Knee

11. 10009 Hearing on complaint filed by Majed Crawford against the City Attorney's Office for allegedly not providing public information.

Complainant Majed Crawford said he wanted to know the policy on how much the City Attorney's Office charges departments and agencies for work associated with RFPs, RFQs and IFBs; if the fee was on a case by case basis; if the fee was related to the size of the project; if departments are charged differently; and if the fee was based on time spent on the project. He also wanted to know the last 20 projects the City Attorney's Office worked on and how much was charged. He said the CAO should have a database regarding his questions and all that was needed was a printout. The community needs to know which department is paying how much for what, he said. The CAO has not provided any information, he added.

Jack Song said the City Attorney's Office does not keep a list or log of the number of RFPs and RFQs it reviews. The office, he said, has a system in which the deputy city attorney bills a department on the time spent on a particular project. He said the complainant mentioned that he felt that the office was charging more than it ought to on the Fillmore Muni substation project. He said he contacted the deputy city attorney assigned to the project and was told work on it had not started and therefore there was no dollar figure associated with it.

To Member Wolfe, Mr. Song said information on how much a department was charged is attorney-client privilege and not disclosable.

In closing, Mr. Song said the office rarely writes RFPs and RFQs, which are available on line at the Office of Contract Administration's website. He also said to look for the last 20 requests was a broad request and in fact he had offered to assist the complainant if he was interested in one particular department. Mr. Crawford said Mr. Song did not answer any of his questions and should be found in violation.

Motion to find violation of Sections 67.26 and 67.27 ( Wolfe / Washburn )

Public Comment: Allen Grossman said the City Attorney's Office routinely rejects records requests by claiming attorney-client and work product doctrine. There wasn't a good faith effort to deal with the request and they used their standard response, he added. Kimo Crossman said the department should have helped the requestor by trying other ways to get the information. Anonymous Tenants said the mission of the Task Force was to help citizens get public records.

Member Snyder said Section 67.21 was more relevant because the department was tardy in its incomplete response. The sections mentioned in the motion were inappropriate because Section 67.26 was about redaction and Section 67.27 was on justification.

Motion to find violation of Sections 67.21.( Snyder / Cauthen )

Public Comment: None

Member Wolfe disagreed and made an amendment.

Motion to find violation of Sections 67.21, 67.26 and 67.27.( Wolfe / Williams )

Public Comment: Kimo Crossman said Section 67.27 was clearly violated because the department did not assist the complainant.

On motion to find violation of Sections 67.21, 67.26 and 67.27

Ayes: Washburn, Wolfe, Williams, Knee

Noes: Snyder, Cauthen, Knoebber, Johnson

Motion fails

On motion to find violation of Sections 67.21

Ayes: Snyder Cauthen, Washburn, Wolfe, Williams

Noes: Knoebber, Johnson, Knee

Motion fails

Member Wolfe made a friendly motion to include Section 67.21. Second agreed.

Member Knoebber proposed splitting Section 67.21 from Sections 67.26 and 67.27.

Member Wolfe conceded.

Motion to split 67.21 from Sections 67.26 and 67.27. Without objection.

Motion to find violation of 67.26 and 67.27.

Ayes: Washburn, Knoebber, Wolfe, Johnson, Williams, Knee

Noes: Snyder, Cauthen

Motion to find violation of Section 67.21

Ayes:, Snyder, Cauthen, Washburn, Williams

Noes: Knoebber, Wolfe, Johnson, Knee

Motion fails.

Matter referred to the Compliance and Amendments Committee.

12. 10010 Determination of jurisdiction on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item.

Continued to June 22, 2010. Without objection.

13. 10010 Hearing on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item.

Continued to June 22, 2010. Without objection.

14. 10016 Determination of jurisdiction on complaint filed by Ray Hartz against the Rent Board for allegedly violating Section 67.24 of the Sunshine Ordinance.

Motion to find jurisdiction ( Knoebber / Cauthen )

Public Comment: None.

Ayes: Snyder, Cauthen, Washburn, Knoebber, Wolfe, Johnson, Williams, Knee

15. 10016 Hearing on complaint filed by Ray Hartz against the Rent Board for allegedly violating Section 67.24 of the Sunshine Ordinance.

Ray Hartz said he was dealing in this case with Delene Wolf, the Executive Director of the Rent Board and Tim Lee, an attorney. He said he filed an Immediate Disclosure Request on January 21 asking for information about an employee. His request, he said, was based on Section 67.24 which describes what must be disclosed. He said he received a response on January 22 and found that it did not contain pertinent information. He said he had a conversation with Ms. Wolf before the April 20 Rent Board meeting and told her that he wanted to know the exact gross salary and benefits of a city employee. He said he was given a one-page chart that listed the salaries of all deputy city attorneys. He said he also asked for the employee's professional information and was told that all responsive information had been provided. Mr. Hartz said Ms. Wolf and Mr. Lee had said at the May 11 Complaint Committee meeting that they wanted to help him and despite having met at various meetings he has not been approached. Besides, he said, the Rent Board had his name, address, telephone number and email address and nothing was forthcoming.

Mr. Lee said the Rent Board responded timely to the Immediate Disclosure Request. He said he was aware that Mr. Hartz had some objections to the response and had been trying to find out what the issue was. He said Mr. Hartz also does not specify the issues in the complaint. He also said Mr. Hartz declined to say anything at the meeting. Only today, he said, was he made known that the Rent Board did not provide him with the gross salary of the hearing officer. If he had mentioned it the document would have been provided. Mr. Lee noted that the Rent Board's payroll was handled by the City Administrator's Office. The Rent Board, he said, has to disclose public information, but it also has another duty that sometimes conflicts with it and that is not to disclose employees' personal and confidential information.

Motion to find violation of Section 67.24(c) ( Knoebber / Wolfe )

Public Comment: Kimo Crossman said Task Force has to be for the public and help them get public information and public records. The spirit of the Ordinance has been violated in this instance, he said.

On the motion:

Ayes: Washburn, Knoebber, Wolfe, Johnson, Williams, Knee

Noes: Snyder, Cauthen

16. 10017 Determination of jurisdiction on complaint filed by Ray Hartz against the Rent Board for allegedly violating Section 67.16 of the Sunshine Ordinance.

Complainant Ray Hartz said based on DCA Jerry Threet's Instructional Letter it was up to the Task Force to find or not find jurisdiction.

Respondent Tim Lee said there was no jurisdiction because the complaint was not an alleged violation of the Ordinance but a violation of the proposed amendments.

Motion to find no jurisdiction ( Knoebber / Washburn )

Public Comment: Kimo Crossman urged members to find jurisdiction and then discuss the matter to see if there was a violation. Allen Grossman said Mr. Threet is a highly qualified attorney but Mr. Hartz is not. Therefore, it would be unfair to Mr. Hartz if the case was dismissed based on an opinion he did not agree to. Anonymous Tenants said members must vote for jurisdiction because the Ordinance helps and protects the public.

Motion to continue ( Cauthen / Williams )

Public Comment: Kimo Crossman said the matter should be heard today because all the parties were present.

On the motion to continue:

Ayes: Cauthen

Noes: Snyder, Washburn, Knoebber, Wolfe, Johnson, Williams, Knee

Motion to find jurisdiction ( Wolfe / Williams )

Public Comment: None

On the motion to find jurisdiction:

Ayes: Cauthen, Washburn, Knoebber, Wolfe, Johnson, Williams

Noes: Snyder, Knee

17. 10017 Hearing on complaint filed by Ray Hartz against the Rent Board for allegedly violating Section 67.16 of the Sunshine Ordinance.

Complainant Ray Hartz said he found out at the February 23 Rent Board meeting that the comments he had made at a previous meeting were mischaracterized. Section 67.16 allows him to include a 150-word summary of what he said at the meeting. The reason he waited so long to file the complaint was because he wanted the

Rent Board to finalize the minutes before he presented his case. He said the Rent Board agenda makes its readers be aware of the Sunshine Ordinance but selectively adheres to it. He also said the agency deletes public comment when the document is posted online. Any member of the public has the right to petition the government for redress of grievances, he added.

Respondent Tim Lee said Mr. Hartz is saying that one does not need to consider the law but only work by the spirit of the law. Mr. Hartz, he added, is alleging a violation of a proposed amendment.

In closing, Mr. Hartz said if the department has never taken minutes, it would be fruitless for him to ask to have his 150-word summary be included. The minutes offer other uses besides being the legal record, he said. Mr. Lee did not have anything to add.

Motion to find no violation ( Knoebber / Cauthen )

Public Comment: Kimo Crossman said the spirit of the law is not being acknowledged and followed. The Task Force needs to interpret the letter and spirit of the law. There was no harm in putting the statement in the minutes, he said. Allen Grossman said if the agenda noted that their meeting process was going to follow the Ordinance, they have implied that they would stick to all Sunshine requirements. He also said the minutes have to accurately reflect what was during the meeting because there is no audio recording. Anonymous Tenants said it was up to the Task Force to do what it deemed fit. Ellen Tsang said rules need to be followed.

Chair Knee strongly encouraged the Rent Board to record their meetings in the spirit of Sunshine.

On the motion:

Ayes: Snyder, Cauthen, Knoebber, Knee

Noes: Washburn, Wolfe, Johnson, Williams

Motion fails.

Motion to find violation ( Wolfe / Williams )

Ayes: Washburn, Wolfe, Johnson, Williams

Noes: Snyder, Cauthen, Knoebber, Knee

Motion fails.

Matter concluded.

18. 10021 Determination of jurisdiction on complaint filed by Anonymous against the Recreation and Park Department for refusing to provide access to the Master Plan for the Botanical Gardens at Strybing Arboretum

Withdrawn.

19. 10021 Hearing on complaint filed by Anonymous against the Recreation and Park Department for refusing to provide access to the Master Plan for the Botanical Gardens at Strybing Arboretum.

Withdrawn.

20. Consideration of proposed amendments to Articles I through IV of the Sunshine Ordinance.

Chair Knee said a special meeting may be called June 1.

21. Report: Complaint Committee: meeting of May 11, 2010.

Complaint Committee Member James Knoebber made the report.

Public Comment: None

22. Report: Education, Outreach and Training Committee meeting of May 13, 2010.

Education, Outreach and Training Committee Member Sue Cauthen made the report.

Public Comment: Ray Hartz said the Task Force cannot force rules on others when it does not follow its own rules. The Education, Outreach and Training Committee should approach the public by promoting the Ordinance and also say that it includes some flaws and would seek their support when the time comes. Kimo Crossman agreed. He said the committee should be highlighting the challenges because the Ordinance needs to be amended.

23. Administrator's Report.

Mr. Rustom made the report.

Public Comment: Kimo Crossman said the Task Force needs to review the performance of Mr. Threet and Mr. Rustom. Ray Hartz said an analysis needs to be conducted to see if the DCA and the administrator are providing adequate time to see to the needs of the Task Force.



24. Public comment for items not listed on the agenda. Public comment shall be held at 5:00 p.m., or as soon thereafter as possible.

Ray Hartz said he is re-filing complaints against the Police Commission, Police Department and the City Attorney's Office for failure to comply with Section 67.29 of the Ordinance. He said he had previously filed the same complaint against the Police Commission, Police Department. The departments have not updated their records as of May 2009, he said. Allen Grossman said the Task Force was in the dark because of a lack of minutes. Members, as previously experienced, did not know where they left off and where they needed to start from when it came to the amendments, he said. He said the one-line agenda description of the amendments was lacking as compared to an 8-line description put out by the Ethics Commission. Kimo Crossman agreed with the previous speaker and added that the amendments need to be shown on a big screen so that the public can see what changes were being made. He also said City Attorney opinions should be in written form.

25. Announcements, comments, questions, and future agenda items from the Task Force.

Member Wolfe welcomed Members Snyder and Johnson to the Task Force.

**Adjournment:**

**The meeting was adjourned at 9:31 p.m.**

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force

**Sunshine Ordinance Task Force**



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<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Tuesday, June 1, 2010  
5:00 p.m., City Hall, Room 406

GOVERNMENT  
DOCUMENTS DEPT

JUN - 1 2010

**Task Force Members**

Seat 1 David Synder  
Seat 2 Richard Knee (Chair)  
Seat 3 Sue Cauthen  
Seat 4 Suzanne Manneh  
Seat 5 Allyson Washburn  
Seat 6 James Knoebber  
Seat 7 Nick Goldman

Seat 8 Bruce Wolfe  
Seat 9 Hanley Chan  
Seat 10 Hope Johnson  
Seat 11 Marjorie Ann Williams  
  
Ex-officio LaTonia Stokes  
Ex-officio (Vacant)

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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

Call to Order; Roll Call; Agenda Changes

1. Sunshine Ordinance amendments: Article IV and any portions that the Task Force wishes to revisit (discussion and possible action)(attachment)

Next regularly scheduled meeting: June 22, 2010

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (*Section 67.16*)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (*Section 67.7-1 (c)*)

- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sttf@sfgov.org](mailto:sttf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415 581-2300; fax (415 581-2317); website: [sfgov.org/ethics](http://sfgov.org/ethics).

CITY &amp; COUNTY OF SAN FRANCISCO

## Disclaimers

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June 1, 2010

## SUNSHINE ORDINANCE TASK FORCE

## SPECIAL MEETING

## MINUTES

Tuesday, June 1, 2010

4:00 p.m., City Hall, Room 408

## Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	LaTonia Stokes
Seat 7	Nick Goldman	Ex-officio	(Vacant)

Call to Order 5:02 P.M.

**Roll Call Present:** Knee, Cauthen, Manneh, Washburn, Knoebber, Goldman, Wolfe, Chan, Johnson  
**Excused:** Snyder, Williams

**Agenda Changes:** None**Deputy City Attorney:** Jerry Threet**Clerk:** Chris Ruston

1. Sunshine Ordinance amendments: Article IV and any portions that the Task Force wishes to revisit

Motion to switch Section 67.23 (a) with 67.23 (b) (Goldman / Cauthen )

Public Comment: Allen Grossman said departments need to designate a person to provide public information and have that person made known to the entire department. Peter Warfield said the person designated to provide public information as well as that person's backup needs to be identified and made known publicly.

On the motion:

Ayes: Cauthen, Manneh, Washburn, Knoebber, Goldman, Chan, Johnson, Knee

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Section 67.23 (e) line 10 to read: In adopting this subdivision, the voters of the City and County of San Francisco intend merely to restate and affirm court decisions recognizing the First Amendment rights of public employees.

On Section 67.23 (c) through (e):

Public Comment: Allen Grossman said the 15-minute allowance in Subsection (c) allows employees to delay giving requestors the public information they want. Peter Warfield said responding to public records requests must be part of an employee's work requirement. Anonymous Tenants said the form requirement in Subsection (c) is problematic because it does not address the issue of what happens if a request is made by email or over the phone.

Member Cauthen said the citations in Subsection (c) are incorrect and should read Sec(s) 67.20 and 67.21 rather than Sec(s) 67.21 and 67.23.

Members then further discussed Subsection (c) and moved to address it at their next meeting. Subsections (a) and (b) were also continued to the next meeting. Without objection.

Chair Knee said "any member of the public." in Section 67.23 (d) should read "other member of the public" as agreed in the past.

Motion to approve Section 67.23(d) and (e) ( Goldman / Cauthen )

Public Comment: None

On the motion:

Ayes: Cauthen, Manneh, Washburn, Knoebber, Goldman, Chan, Johnson, Knee

Members then discussed their plan to prepare the amendments for the December 2011 elections.

Motion for new Subsection (b) to read: "about the affairs of the entity's policies procedures and operations available" in place of "about the affairs of the entity available" ( Washburn / Goldman )

Public Comment: Peter Warfield said "activities" would be a much better word than "operations." Allen Grossman said the Ordinance needs to be tightened so that departments and agencies cannot find any wriggle room when it comes to disclosing public information. Anonymous Tenants said he was in support of the previous two speakers' comments.

Chair makes friendly amendment. New Subsection (b) to read: "Every department, agency and policy body" in place of "Every department and policy body." It was accepted.

Motion for new Subsection (b) to read: "about the affairs of the entity's policies procedures and activities available" in place of "about the affairs of the entity available" ( Washburn / Goldman )

On the motion:

Ayes: Cauthen, Manneh, Washburn, Knoebber, Goldman, Wolfe Chan, Johnson, Knee

Section 67.24 (a) to read: "The clerk of the Board of Supervisors and the clerk of each policy body shall maintain a file, accessible to any person during normal office hours, at the office of the policy body or at a place nearby clearly designated to the public containing in chronological order a copy of any letter, memorandum or other communication that the clerk has received within the previous 30 calendar days or likely to be calendared within the next 30 calendar days, irrespective of subject matter, origin or recipient, except commercial solicitations, periodical publications or communications exempt from disclosure under the California Public Records Act (Government Code Section 6250 or its successor et seq.) and not deemed disclosable under Section 67.25 of this article. The public review file shall also be available online."

Public Comment: Peter Warfield of the Library Users Association said the practice of the Board of Supervisors, which lists and includes in its communications file all documents received within a 30-day period, is an example for all departments and agencies to follow. He also said Subsection (b) should say all information provided to an entity is a public record and is disclosable. Allen Grossman said parts of the amendments need to be reconciled because in some sections certain state codes are mentioned and in some places it is not. He also said "document" should be replaced with "public record" in the amendments. Kim Crossman said in Subsection (a) all documents received by a policy body be posted on line within one business day of receipt and that confidentiality in Subsection (b) should not apply to those who correspond with the government.

Language to be worked on at next meeting is 67.19(d) on definition of "online."

Without objection.

Revisions to 67.25(b) accepted. Without objection.

On 67.25(a):

Public Comment: Peter Warfield of the Library Users Association said he is pleased with the changes because he was once denied a document because of the author's recommendation. Allen Grossman said the preamble needs to be rewritten for clarity. Kimo Crossman said the two lines added at the end of the paragraph belongs somewhere else. Anonymous Tenants wanted to know the meaning of "enhanced rights."

After further discussion, preamble to read: "Notwithstanding information disclosure exemptions otherwise available under the California Public Records Act, the following policies shall govern specific types of documents and information and shall provide enhanced rights of public access to information and records."

Motion to strike last two lines was made by Member Goldman, but died for a lack of a second.

On 67.25(b):

Public Comment: Kimo Crossman said the City Attorney's Office has interpreted this paragraph in another way and uses it to not disclose certain documents by citing the attorney-client privilege. Peter Warfield said the simplest language can sometimes be the clearest. And if it is hard to understand, it is not well written. Section 67, he said, needs to be carefully revised so that the public can understand what it says and means. Allen Grossman said there are two kinds of work product, real and conditional. And it has never been clear which one the department will claim. He also suggested some changes to Section 67.25(b).

Matter continued to next meeting.

2. General public comment. Peter Warfield of the Library Users Association said there is a need to have objectives and then have a plan to accomplish it. Allen Grossman said it would be ideal if the Ethics Commission changed its procedures and spared the Task Force the torturous path it is taking to amend the Ordinance. Anonymous Tenants said the amendments do not matter if employees are not held accountable for their actions. Ellen Tsang asked members to apply the law when it comes to offenders and not to treat them favorably because of past experience.

Adjournment:

The meeting was adjourned at 7:50 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force



Sunshine Ordinance Task Force



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<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, June 22, 2010  
4:00 p.m., City Hall, Room 408

GOVERNMENT  
DOCUMENTS DEPT

JUN 22 2010

**Task Force Members**

Seat 1 David Snyder  
Seat 2 Richard Knee (Chair)  
Seat 3 Sue Cauthen  
Seat 4 Suzanne Manneh  
Seat 5 Allyson Washburn  
Seat 6 James Knoebber  
Seat 7 Nick Goldman

Seat 8 Bruce Wolfe  
Seat 9 Hanley Chan  
Seat 10 Hope Johnson  
Seat 11 Marjorie Ann Williams  
  
Ex-officio Latonia Stokes  
Ex-officio (Vacant)

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**Call to Order; Roll Call; Agenda Changes**

1. Approval of March 23, 2010, regular-meeting minutes. (attachment) (action item) (5 min)
2. Approval of May 4, 2010, special-meeting minutes. (attachment) (action item) (5 min)
3. Approval of May 11, 2010, special-meeting minutes. (attachment) (action item) (5 min)
4. Approval of May 25, 2010, regular-meeting minutes. (attachment) (action item) (5 min)
5. Approval of June 1, 2010, special-meeting minutes. (attachment) (action item) (5 min)
6. Special recognition to Erica Craven-Green and Doyle Johnson for their community service as members of the Sunshine Ordinance Task Force. (no attachment) (10 min)
7. 10012 Hearing on the status of the April 27, 2010, Order of Determination of Ellen



Tsang against the Planning Department. (discussion and possible action item) (attachment) (15 min)

8. 10009 Hearing on the status of the May 25, 2010, Order of Determination of Majeid Crawford against the City Attorney's Office. (discussion and possible action item) (attachment) (15 min)
9. 10015 Hearing on the status of the May 25, 2010, Order of Determination of Ellen Tsang against the Planning Department. (discussion and possible action item) (attachment) (15 min)
10. 10016 Hearing on the status of the May 25, 2010, Order of Determination of Ray Hartz against the Rent Board. (discussion and possible action item) (attachment) (15 min)
11. 10010 Determination of jurisdiction on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item. (action item) (attachment) (5 min)
12. 10010 Hearing on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item. (action item) (attachment) (15 min)
13. 10018 Determination of jurisdiction on complaint filed by Svetlana Ptashnaya against the Adult and Aging Services Department for allegedly refusing to furnish the results of an investigation filed against Adult protective Services employee Ethelbert Ogbuehi. (action item) (attachment) (5 min)
14. 10018 Hearing on complaint filed by Svetlana Ptashnaya against the Adult and Aging Services Department for allegedly refusing to furnish the results of an investigation filed against Adult protective Services employee Ethelbert Ogbuehi. (action item) (attachment) (15 min)
15. 10019 Determination of jurisdiction on complaint filed by Alvin Xex against the Children and Families Commission for allegedly violating Sunshine ordinance sections 67.27, 67.31 & 67.35 (action item) (attachment) (5 min)
16. 10019 Hearing on complaint filed by Alvin Xex against the Children and Families Commission for allegedly violating Sunshine ordinance sections 67.27, 67.31 & 67.35 (action item) (attachment) (15 min)
17. 10022 Determination of jurisdiction on complaint filed by Suzanne Dumont against the Recreation & Parks Department for allegedly refusing to adhere to a Public Records Request. (action item) (attachment) (5 min)
18. 10022 Hearing on complaint filed by Suzanne Dumont against the Recreation & Parks Department for allegedly refusing to adhere to a Public Records Request. (action item) (attachment) (15 min)
19. 10024 Determination of jurisdiction on complaint filed by Ray Hartz against the Police

Department for failure to comply with requirements of Section 67.29. (action item) (attachment) (5 min)

20. 10024 Hearing on complaint filed by Ray Hartz against the Police Department for failure to comply with requirements of Section 67.29. (action item) (attachment) (15 min)
21. 10025 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for failure to comply with requirements of Section 67.29. (action item) (attachment) (5 min)
22. 10025 Hearing on complaint filed by Ray Hartz against the Police Commission for failure to comply with requirements of Section 67.29. (action item) (attachment) (15 min)
23. Report: Complaint Committee: meeting of June 8, 2010. (Nick Goldman) (discussion and possible action) (5 min)
24. Report: Education, Outreach and Training Committee meeting of June 10, 2010. (Hanley Chan) (discussion and possible action) (5 min)
25. Election of Officers: Chair and Vice-Chair to serve from July 1, 2010, to June 30, 2011. (action item) (10 minutes) (no attachment) (10 min)
26. Task Force regular-meetings schedule -- possible change from Tuesdays (discussion and possible action) (10 min)
27. Sunshine Award. Schedule, press release, logistics (discussion/action) (attachment) (10 min)
28. Administrator's Report. (discussion) (5 min)
29. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible. (no action) (12 min)
30. Announcements, comments, questions, and future agenda items from the Task Force. (no action) (no attachment) (5 min)

**Adjournment**

**Next regularly scheduled meeting: July, 27, 2010**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW  
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

**SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES**

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (Section 67.16)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (Section 67.7-1 (c))

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

**Above total speaking times for Complainant and City to be the same.**

- |   |                      |
|---|----------------------|
| 3. Matter is with the Task Force for discussion and questions.  |                      |
| 4. Respondent and Complainant presents clarification/rebuttal   | 3 minutes            |
| 5. Matter is with the Task Force for motion and deliberation.   |                      |
| 6. Public comment (Excluding Complainant & City response, witnesses)  | Up to 3 minutes each |
| 7. Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).

CITY &amp; COUNTY OF SAN FRANCISCO

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June 22, 2010

## SUNSHINE ORDINANCE TASK FORCE

## REGULAR MEETING

## MINUTES

Tuesday, June 22, 2010

4:00 p.m., City Hall, Room 408

## Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	LaTonia Stokes
Seat 7	Nick Goldman	Ex-officio	(Vacant)

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Call to Order 4:18 p.m.

Roll Call Present: Snyder, Knee, Cauthen, Washburn, Knoebber, Goldman, Wolfe (in at 4:23), Chan, Johnson, Williams  
Excused: Manneh

Agenda Changes: Item 25 heard first. Item 15 and 16 heard before Item 6. Item 29 heard before Item 8.

Deputy City Attorney: Jerry Threat

Clerk: Chris Rustom

Motion to bring forward Item 27 (Sunshine Awards) ( Cauthen / Chan )

Education, Outreach and Training Committee Chair Hanley Chan said the matter needs to be brought forward and heard while a majority of the members was present.

Public Comment: Peter Warfield said it should not be moved because it did not have supporting documents. Kimo Crossman was against the motion because there were a number of people in the audience who were waiting to have their matters heard.

On the motion:

Ayes: Cauthen, Chan, Williams

Noes: Washburn, Knoebber, Goldman, Johnson, Knee

Abstain: Snyder

# Motion fails

1. Approval of March 23, 2010, regular-meeting minutes.

Chair Knee made a motion to continue the March 23, 2010, regular-meeting minutes. Without objection.

2. Approval of May 4, 2010, special-meeting minutes.

Motion to approve May 4, 2010, special-meeting minutes ( Knoebber / Goldman )

Public Comment: None

On the motion

Ayes: Snyder, Cauthen, Washburn, Knoebber, Goldman, Wolfe, Chan, Johnson, Williams, Knee

Motion passes.

3. Approval of May 11, 2010, special-meeting minutes.

Motion to approve of May 11, 2010, special-meeting minutes ( Goldman / Knoebber )

Chair Knee made a motion to continue the May 11, 2010, special-meeting minutes. Without objection.

4. Approval of May 25, 2010, regular-meeting minutes.

Chair Knee made a motion to continue the May 25, 2010, regular-meeting minutes. Without objection.

5. Approval of June 1, 2010, special-meeting minutes.

Chair Knee made a motion to continue the June 1, 2010, special-meeting minutes. Without objection.

6. Special recognition to Erica Craven-Green and Doyle Johnson for their community service as members of the Sunshine Ordinance Task Force.

Chair Knee thanked former member Erica Craven-Green and former member Doyle Johnson for their contributions to the Task Force and Sunshine in general. He then presented each of them with a certificate of honor.

Ms. Craven-Green said volunteering on the Task Force was always a challenge, but at the same time it was rewarding to be serving the residents of the City and County of San Francisco.

Mr. Johnson said he takes away an experience that will always make him a Sunshine advocate.

Members of the Task Force then had words of praise for the two ex-members.

Public Comment: Kimo Crossman said the Task Force has suffered a loss with the departure of Ms.

Craven-Green and Mr. Johnson. Peter Warfield praised their conscientious effort and said it was commendable.

7. 10012 Hearing on the status of the April 27, 2010, Order of Determination of Ellen Tsang against the Planning Department.

Complainant Ellen Tsang said her complaint centers around a document that caused the Planning Department to complain to the Building Department that a shed at 769 North Point Street was not within specifications. She said she wanted to know where the complaint was generated and the exact description of the complaint. Planner Jonas Ionin, she said, has said he made the complaint while doing a site visit to 2642/2644 Hyde Street two years ago. Mr. Ionin, she said, has not told her who he made the complaint to, the description of the complaint as well as the time and date of the site visit. Who ever makes a complaint has to fill out a form similar to the one she passed out a few minutes ago, she said. The record exists and is being withheld from her, she said. By their actions, the Planning Department is willfully violating the Task Force's Order of Determination, she said. She asked that the department be found in willful failure and official misconduct. Anonymous Tenants said this is a continuing saga between them and the department, which continues to withhold information. Ray Hartz said he overheard Ms. Tsang asking Mr. Ionin for the document and that the planner replied in the negative. He said it is time for the department to give Ms. Tsang and Anonymous Tenants the documents they want and move on.

Brian Smith, Director of Information Technology and acting Custodian of Records for the Planning Department, said on March 24 Ms. Tsang had emailed Agnes Lau, who was out of the office from March 17 to April 16. Ms. Lau on her return to work forwarded her email to him and Mr. Ionin, who responded on April 23 by saying that responsive documents had been attached. He said Ms. Tsang responded by asking for subsequent documents.

Motion to forward the Order of Determination to the Board of Supervisors for their consideration when discussing the Planning Department's budget. ( Wolfe / Goldman )

Public Comment: Kimo Crossman said he wants to know what records mentioned in the original request has she not received. He suggested finding the department head guilty of official misconduct and send it to the Ethics Commission rather than the Board of Supervisors. Peter Warfield said he was not clear on the details of the case and questioned Mr. Smith's presence when the request for information was sent to Ms. Lau. He asked the Task Force to inquire as to what was requested and what was provided. Ray Hartz said he has been copied on many of the email exchanges Ms. Tsang has had with the Building Department and noticed that they were giving her the run around. He said he does not have a lot of faith in what Mr. Smith says because of a previous encounter.

On the motion:

Ayes: Snyder, Washburn, Wolfe, Chan, Williams

Noes: Cauthen, Knoebber, Goldman, Johnson, Knee

Matter fails. Matter concluded.

8. 10009 Hearing on the status of the May 25, 2010, Order of Determination of Majed Crawford against the City Attorney's Office.

Complainant Majed Crawford said he has not received any responses to the questions he had asked the City Attorney's Office. However, he said, the office had provided him with a document that explains the office's billing protocols. The document, he said, answered two of the questions and nothing else. He claimed that the office has the information he sought.

Respondent Matt Dorsey, Communications Director with the Office of the City Attorney, said his job is to work with members of the public to provide public information. The office, he said, does not have a database that identifies all the RFPs and the RFQs. He said he is willing to work with Mr. Crawford until they reach a mutually agreeable position because it was more cost-effective to having the question answered rather than taking up the Task Force's time to hold hearings. He also said that he could do a query into the CAO's files but the results will not be a true picture. He also said the office charges departments about \$200 an hour. He said no deputy city attorney time has been billed to the Fillmore Muni substation as yet.

In closing, Mr. Dorsey said the issuance of the Order of Determination should not be seen by Mr. Crawford as shutting him out. He said he will be giving him his card and continue trying to help him regardless of the outcome of today's hearing.

To Chair Knee, respondent agreed original CAO respondent Jack Song had reasonable time to respond to the Order of Determination prior to going on vacation but had not contacted the complainant.

Mr. Crawford said there are so many reports produced by the CAO that he is willing to do the research himself.

Motion to refer matter to the Ethics Commission for willful violation. ( Knee / Washburn )

Public Comment: Ray Hartz said the CAO is waiting for the very last minute to avoid being taken to task. That gives them an incentive to do it in the future, he said. Peter Warfield said the department did not follow the Order of Determination and did not assist the complainant as required by law.

On the motion:

Ayes: Snyder, Knee, Cauthen, Washburn, Knoebber, Goldman, Wolfe, Chan, Johnson, Williams, Knee

Motion passes.

Motion to find violation of Sec. 67.21(c) for not sending a knowledgeable representative. ( Cauthen / Goldman )

Public Comment: None

On the motion:

Ayes: Washburn, Wolfe, Chan, Johnson, Williams, Knee

Noes: Snyder, Cauthen, Knoebber, Goldman

Motion passes.

9. 10015 Hearing on the status of the May 25, 2010, Order of Determination of Ellen Tsang against the Planning Department.

Complainant Ellen Tsang said the Planning Department has partially complied with the Order of Determination. She said the department has told her that they do not have any plans in hand because it has all been submitted to the Department of Building Inspection. The photos, she said, she will get from the department because Planner Jonas Ionin has informed her of its existence. He has also provided a copy of the legal description. Mr. Jonas has not produced sketches of her Plot Plan and Second Floor Plan, she said. Anonymous Tenants said Mr. Ionin is on record as saying that he has all the documents that Ms. Tsang wants. He also said Ms. Tsang asked Mr. Ionin after the last hearing whether he will provide the documents. Mr. Ionin, he said, told Ms. Tsang that he would not.

Brian Smith of the Planning Department said Ms. Tsang asked for five documents on May 24 and was told three days later by Mr. Ionin that the first document could be reviewed at the Department of Building Inspection, the second document can be reviewed at the Planning Department, copies of the third, fourth and fifth documents were available at the department. Mr. Ionin also attached three of the documents that were in electronic format. He said the department is trying to help the complainant every step of the way.

In closing, Mr. Smith said the department is not trying to deny Ms. Tsang any document. The department, he said, is providing what it has in a timely and efficient manner.

Ms. Tsang said the department can come to her and show her the five documents and that at the time of her request document one was still in the department's possession.

Motion to refer matter to the Ethics Commission for willful violation. ( Wolfe / Williams )

Public Comment: Kimo Crossman said when a department does not want to provide a certain record they never provide the correct document. He said the documents could have been emailed to the complainant than having her go and look at it. Ray Hartz said he overheard the conversation Ms. Tsang had with Mr. Ionin. He also said the department forces complainants to have to speak with several people and when they go to the office that employee is not there. Mr. Ionin, he said, should be found in willful violation.

On the motion:

Ayes: Washburn, Wolfe Chan, Johnson, Williams, Knee

Noes: Snyder, Cauthen, Washburn, Knoebber

Motion passes.

10. 10016 Hearing on the status of the May 25, 2010, Order of Determination of Ray Hartz against the Rent Board.

Complainant Ray Hartz said he has received the information he wanted and was satisfied.

Respondent Tim Lee said he's happy to hear Mr. Hartz confirm that the Order of Determination had been met.

In closing, Mr. Hartz said he did what he had to do because he wanted to make sure that City employees know they have the responsibility to respond to Sunshine requests.

Public Comment: Kimo Crossman said he has informed the Rent Board that meeting recordings can be made with a laptop, a cell phone and a commercial recorder for \$25.00.

Matter concluded.

11. 10010 Determination of jurisdiction on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item.

Continued to July 27, 2010, meeting.

12. 10010 Hearing on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item.

Continued to July 27, 2010, meeting.

13. 10018 Determination of jurisdiction on complaint filed by Svetlana Ptashnaya against the Department of Aging and Adult Services for allegedly refusing to furnish the results of an investigation filed against Adult Protective Services employee Ethelbert Ogbuehi.

Motion to find jurisdiction ( Goldman / Cauthen )

Public Comment: None.

On the motion:

Ayes: Snyder, Cauthen, Washburn, Knoebber, Goldman, Wolfe Chan, Johnson, Williams, Knee

Motion passes.

14. 10018 Hearing on complaint filed by Svetlana Ptashnaya against the Department of Aging and Adult Services for allegedly refusing to furnish the results of an investigation of a complaint filed against Adult Protective Services employee Ethelbert Ogbuehi.

Complainant Svetlana Ptashnaya said she complained to Department of Aging and Adult Services' Adult Protective Services Program Manager Julie Peck on February 10, 2010, about a certain encounter she had with APS employee Ethelbert Ogbuehi the previous day and requested that his actions toward her be investigated and the findings be released to her. She said on March 5, 2010, APS Program Supervisor Cindy E. Rasmussen responded by saying that an investigation was done but because all APS investigations were considered confidential the results could not be released. She promised Ms. Ptashnaya that the matter had



been fully investigated and that appropriate steps had been taken. Ms. Ptashnaya also said she contacted Department of Human Services Director Trent Rhorer and his executive director E. Anne Hinton responded by stating that all APS investigations were not disclosable under state law.

The responding department was not represented. There was also no one in the audience to speak or present facts and evidence on behalf of the respondent.

It was noted that the Department of Human Services had informed the Task Force that it did not have jurisdiction over the matter and that the requested information was protected under the State of California's Welfare and Institutions Code, Sections 15630 and 10850.

In closing, Ms. Ptashnaya said if the department released the findings it would prove that her complaint against Mr. Ogbuchi was justified.

Members agreed with the department that state law covered information related to the department and its clients, but Ms. Ptashnaya's request was on a distinctly separate issue. Her request, they agreed, was for information related to an employee's disciplinary hearing and documents related to it should have been released. Members said the department could have redacted parts of the document it believed that the release of such information compromised any welfare case. They were also disappointed that the department, as required by law, did not send a representative to state and defend their case.

Motion to find violation of Sections 67.21(c) for not assisting the requestor, 67.21(e) for not sending a knowledgeable representative to the hearing, 67.24(c)(7) for not releasing documents related to employee misconduct and 67.27 for not providing justification for withholding information. ( Wolfe / Goldman )

Public Comment: Kimo Crossman said the case reminded him of the District Attorney's Office claim that all criminal and administrative investigations were not disclosable under the law.

On the motion:

Ayes: Snyder, Cauthen, Washburn, Knoebber, Goldman, Wolfe, Chan, Johnson, Williams, Knee

Motion passes.

Matter forwarded to July 13, 2010, Compliance and Amendments Committee meeting.

15. 10019 Determination of jurisdiction on complaint filed by Alvin Xex against the Children and Families Commission for allegedly violating Sunshine Ordinance Sections 67.27, 67.31 & 67.35.

Motion to find jurisdiction ( Goldman / Knoebber )

Public Comment: None

On the motion:

Ayes: Snyder, Cauthen, Washburn, Knoebber, Goldman, Wolfe, Chan, Johnson, Williams, Knee

Motion passes.

16. 10019 Hearing on complaint filed by Alvin Xex against the Children and Families Commission for allegedly violating Ordinance Sections 67.27, 67.31 & 67.35.

The complainant was not present. There was no one in the audience to present facts and evidence on behalf of the complainant.

The respondent was not present. There was no one in the audience to present facts and evidence on behalf of the respondent.

Chair Knee moved to table the item. Without objection.

17. 10022 Determination of jurisdiction on complaint filed by Suzanne Dumont against the Recreation and Park Department for allegedly refusing to adhere to a Public Records Request.

Motion to find jurisdiction ( Goldman / Knoebber )

Public Comment: None.

On the motion:

Ayes: Snyder, Cauthen, Washburn, Knoebber, Goldman, Johnson, Williams, Knee

Motion passes.

18. 10022 Hearing on complaint filed by Suzanne Dumont against the Recreation and Park Department for allegedly refusing to adhere to a Public Records Request.

Complainant Suzanne Dumont said she twice sought the names of panelists considering the Stow Lake Boathouse Concession RFQ and in both cases was turned down. She said the first request was made to Nick



Kinsey, Property Manager for the Recreation and Park Department. A second request was made to Olive Gong, the department's Custodian of Records. Both of them, she said, responded by saying that at the advice of the City Attorney's Office the names would be released at the end of the selection process. Ms. Dumont pointed out that Section 67.24(e) refers only to RFPs and not RFQs. She also said the department has made the names of other panelists known to the public and was at a loss to understand the need for secrecy in this instance.

Mr. Kinsey said the City Attorney's Office has advised the department that Section 67.24(e)(1) prohibits it from releasing the names until after the selection process ends. That message, he said, was conveyed to Ms. Dumont. He said he received the same advice when he received the second request from Ms. Dumont. The City needs to protect the integrity of the process, he said.

Chair Knee said the question is do RFQs fall under "all other records of communications between the department and persons or firms seeking contracts" as mentioned in Section 67.24(e)(1).

Member Snyder said the second part of Section 67.24(e)(1) does not prohibit the release of information. In plain English, he said, it would mean to say that a department can release the information at any stage of the process but must release it at the end of the selection process.

DCA Threat agreed with Member Snyder but cautioned that the Administrative Code could have certain rules and regulation concerning contracts and awards.

Member Snyder added that it was the duty of the department to cite the authority if other laws were applicable in this case. That, he said, violated Section 67.27.

Member Cauthen said the complainant has included numerous examples of panelist names being made known to the public and the Stow Lake Boathouse Concession RFQ should not be an exception.

Member Johnson suggested the intent of Section 67.24(e)(1) appeared to be protecting the bidding parties not the reviewers.

Member Wolfe said the process was put in place so that competitors did not get to see each other's RFPs and not about the people making decisions.

In closing, Mr. Kinsey said he believed the department made the correct determination based on advice from the CAO.

Ms. Dumont said the department has on numerous times claimed that it was withholding the information because of the need to protect the integrity of the process. She said she is not a competitor and was not asking for fiduciary information. Her main interest, she said, she wanted to know who is on the panel because panelists are paid very well by taxpayers. Another reason was because her group has been excluded in the process and wanted to participate.

Motion to find violation of Section 67.27 for failure to cite the specific statutory authority for withholding the information. ( Snyder / Goldman )

Public Comment: Kimo Crossman said he thinks the names should be redacted but not the qualifications because the public needs to know the caliber of the panelists. He said he has also suggested in the amendments that the scoring sessions be recorded so that the public gets to know the fairness of the process. Bill Aldred said the process needs to be rewritten to address the issue of the panelists. He favored the release of the names before the end of the process.

On the motion:

Ayes: Snyder, Cauthen, Washburn, Knoebber, Goldman, Wolfe Chan, Johnson, Williams, Knee

Motion passes.

Matter forwarded to July 13, 2010, Compliance and Amendments Committee meeting.

19. 10024 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Department for alleged failure to comply with requirements of Section 67.29.

Motion to find jurisdiction ( Goldman / Knoebber )

Public Comment: None.

On the motion:

Ayes: Snyder, Cauthen, Washburn, Knoebber, Goldman, Wolfe, Chan, Johnson, Williams, Knee

Motion passes.

Member Chan disclosed that his financial relationship with the Police Department has ended.

20. 10024 Hearing on complaint filed by Ray Hartz against the Police Department for alleged failure to comply with requirements of Section 67.29.

Complainant Ray Hartz said this was not a repeat of a prior case. He said the department's response to his complaint said that the alleged violation was not their responsibility. That was not the issue, he said. The issue was what was on the website. He said the Ordinance says that the index shall be for the use of City officials, staff and the general public, and shall be organized to permit a general understanding of the types of information maintained, by which officials and departments, for which purposes and for what periods of retention, and under what manner of organization for accessing, e.g. by reference to a name, a date, a proceeding or project, or some other referencing system. What the department has done is produce a set of links that end with the retention schedule, he said. There is no explanation what the documents are, where they are kept and how they are organized. It's akin to having a library that does not have a catalogue, he said.

The responding department was not represented. There was also no one in the audience to speak or present facts and evidence on behalf of the respondent.

Member Wolfe wanted to know why Mr. Hartz did not include the Office of the City Administrator in the complaint because the office is mentioned several times in Section 67.29. The Ordinance, he said, also mentions that the City Administrator report to the Sunshine Ordinance Task Force. He asked the clerk if the City Administrator had provided progress report or had he seen any related documents. The clerk replied in the negative to both questions.

Member Washburn said the Police Department had said during their previous appearances before the Task Force that they would have meaningful information on the website and not their retention policy.

Members Sue and Knee wanted to continue the item.

Member Wolfe said he would move to find violation of Section 67.29 and have the Police Department appear before the Compliance and Amendments Committee and make a presentation.

Member Cauthen wanted to add Sec. 67.21(e) because the department did not send a representative.

In closing, Mr. Hartz said the Index is very important for a citizen who is researching an issue and helps that person in making a specific request. The intention of the Section 67.29 was to have an index of records and what the department has done does not meet the spirit and letter of the law, he said.

Motion to continue matter to the July 27, 2010, meeting. ( Wolfe / Cauthen )

Motion to find violation of Sec 67.21(e) for not sending a representative ( Cauthen / Goldman )

Public Comment: None

On the motion to find violation:

Ayes: Snyder, Cauthen, Washburn, Knoeher, Goldman, Wolfe, Chan, Johnson, Williams, Knee

Motion passes.

Chair Knee asked that Jill Lerner of the City Administrator's Office be requested to attend the July 27, 2010, meeting.

Member Wolfe said he would draft a letter to the Department of Technology about the Index because the department is about to move over to the Microsoft enterprise platform.

Chair Knee agreed to add his signature. Without objection.

On the motion to continue:

Ayes: Snyder, Cauthen, Washburn, Knoeher, Goldman, Wolfe, Chan, Johnson, Williams, Knee

Motion passes.

Chair Knee also asked the clerk to ask the Department of Technology to send a person who knows about the Index of Records to attend the next meeting.

21. 10025 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for alleged failure to comply with requirements of Section 67.29.

Chair Knee suggested having this item as same house same call as #10024.

The complainant disagreed.

Motion to find jurisdiction ( Goldman / Cauthen )

Public Comment: None.

On the motion:

Ayes: Snyder, Cauthen, Washburn, Knoebber, Goldman, Wolfe, Chan, Johnson, Williams, Knee

Motion passes.

22. 10025 Hearing on complaint filed by Ray Hartz against the Police Commission for alleged failure to comply with requirements of Section 67.29.

Complainant Ray Hartz said when a person is in charge of something that person has the responsibility of carrying out the task properly. The same applies when the task is delegated to someone else. If that happens, that person needs to follow up and see if the task is being undertaken properly. The Police Commission, he said, has delegated the Police Department to take care of their index issue and they have been let down miserably. All the department has done for the commission is to put up a list that is not meaningful, he said. The commission is responsible for insuring that the department follows the law and it needs to let the department know that it has to do what it is supposed to do, he said. He also said the commission has added responsibility because it has civilian oversight over the department.

The responding department was not represented. There was also no one in the audience to speak to or present facts and evidence on behalf of the respondent.

Member Wolfe noted that the department in its correspondence to the Task Force acknowledges responsibility for noticing the index and not for its disappearance. He also added that Mr. Hartz is suggesting that the content and required detail were not in compliance as in the previous case.

In closing, Mr. Hartz said his claim was simply that the commission violated Sec 67.29 by not doing what they were supposed to do. He said he did not feel that he had to provide a detailed complaint and that the department assumed what the complaint was about. The commission he said did not show good faith in trying to resolve the issue but instead penned a letter that said the matter was taken care of and decided not to show up.

Motion to find violation of Sec. 67.29 for not having a complete Index of Records and Sec. 67.21(e) for not sending a knowledgeable representative ( Wolfe / Goldman )

Public Comment: None

On the motion:

Ayes: Snyder, Cauthen, Washburn, Knoebber, Goldman, Wolfe, Chan, Johnson, Williams, Knee

Motion passes.

Matter forwarded to July 13, 2010, Compliance and Amendments Committee meeting.

23. Report: Complaint Committee: meeting of June 8, 2010.

Complaint Committee: Chair Nick Goldman made the report.

24. Report: Education, Outreach and Training Committee meeting of June 10, 2010. (Hanley Chan)

Education, Outreach and Training Committee Chair Hanley Chan made the report.

25. Election of Officers: Chair and Vice-Chair to serve from July 1, 2010, to June 30, 2011.

Motion to nominate Member Knee as chair ( Goldman / Knoebber )

Motion to nominate Member Wolfe as chair ( Williams / Cauthen )

Public Comment: Kimo Crossman said he supported Member Knee. Ray Hartz also was in support of Member Knee. Ellen Tsang spoke in favor of Member Knee. Peter Warfield spoke in favor of Member Knee. Anonymous Tenants also spoke in favor of Member Knee.

Members voting for Member Knee as chair were Members Snyder, Washburn, Knoebber, Goldman, Johnson and Knee

Members voting for Member Wolfe as chair were Members Cauthen, Chan, Williams, and Wolfe

Member Knee wins vote.

Motion to nominate Member Washburn as vice chair ( Goldman / Knee )

Motion to nominate Member Wolfe as vice chair ( Chan / Cauthen )

Public Comment: Peter Warfield any one of the two nominees is qualified for the position. Kimo Crossman, Ellen Tsang and Anonymous Tenants shared Mr. Warfield's sentiments.

Members voting for Member Washburn as vice chair were Members Washburn, Goldman, and Knee.

Members voting for Member Wolfe as vice chair were Members Snyder, Cauthen, Knoebber, Wolfe, Chan, Johnson and Williams.

Member Wolfe wins vote.

26. Task Force regular-meetings schedule -- possible change from Tuesdays  
Members decided not to change the days because of other obligations.

27. Sunshine Award. Schedule, press release, logistics.

Matter sent back to the Education, Outreach and Training Committee.

28. Administrator's Report.

Mr. Rustom made the report.

29. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.

Ray Hartz said the Task Force should set an example to other boards and commissions by attending meetings regularly and fully participate in deliberations. Peter Warfield of the Library Users Association said he wants to know what the outcome was on a complaint he filed against the Historic Preservation Committee. Kimo Crossman said the Task Force needs to take Sec. 67.29-7 seriously and find for the complainants if there is a possibility that a certain document existed but was not provided.

30. Announcements, comments, questions, and future agenda items from the Task Force.

**Adjournment:**

**The meeting was adjourned at 11:04 p.m.**

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force



Sunshine Ordinance Task Force



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Wednesday, July 21, 2010  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	Latonia Stokes
Seat 7	Nick Goldman	Ex-officio	(Vacant)

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**Call to Order; Roll Call; Agenda Changes**

1. Proposed San Francisco City College Board of Trustees public records policy.  
(discussion and possible action) (no attachment) (15 min)
2. Public comment on matters not listed on the agenda.(15 min)

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Next regularly scheduled meeting: July, 27, 2010

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (Section 67.7-1 (c))

- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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July 21, 2010 - special

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
MINUTES**Tuesday, July 21, 2010  
5:00 p.m., City Hall, Room 408**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Kneec (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	LaTonia Stokes
Seat 7	Nick Goldman	Ex-officio	(Vacant)

**Call to Order** 5:49 p.m.**Roll Call** Present: Kneec, Manneh, Washburn, Knoebber, Wolfe, Johnson  
Excused: Snyder, Cauthen, Goldman, Chan, Williams**Agenda Changes:** None**Deputy City Attorney:** Jana Clark (not present)  
**Clerk:** Chris Ruston

1. Proposed San Francisco City College Board of Trustees public records policy.

Members discussed the proposed policy and suggested changes. Chair Kneec was to draft a statement based on the Task Force members' discussion and present it for their approval.

No motion was made.

2. Public comment on matters not listed on the agenda. None

Adjournment: The meeting was adjourned at 6:55 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force

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Sunshine Ordinance Task Force



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**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, July 27, 2010  
4:00 p.m., City Hall, Room 408

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**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	LaTonia Stokes
Seat 7	Nick Goldman	Ex-officio	(Vacant)

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Call to Order; Roll Call; Agenda Changes

1. Approval of March 23, 2010, regular-meeting minutes. (attachment) (action item) (5 min)
2. Approval of May 4, 2010, special-meeting minutes. (attachment) (action item) (5 min)
3. Approval of May 11, 2010, special-meeting minutes. (attachment) (action item) (5 min)
4. Approval of May 25, 2010, regular-meeting minutes. (attachment) (action item) (5 min)
5. Approval of June 1, 2010, special-meeting minutes. (attachment) (action item) (5 min)
6. Approval of June 22, 2010, regular meeting minutes. (attachment) (action item) (5 min)
7. 10018 The Compliance and Amendments Committee has referred #10018 Svetlana Ptashnaya v the Dept. of Adult and Aging Services to the Task Force for

possible referral to an enforcement agency for failure to comply with the June 22, 2010, Order of Determination (action item) (attachment) (5 min)

8. 10010 Determination of jurisdiction on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item (action item) (attachment) (5 min)
9. 10010 Hearing on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item (action item) (attachment) (15 min)
10. 10024 Continued hearing on complaint filed by Ray Hartz against the Police Department for failure to comply with requirements of Section 67.29 (action item) (attachment) (15 min)
11. 10026 Prehearing on complaint filed by Ray Hartz against the City Attorney's Office for allegedly violating Section 67.29 of the Ordinance (action item) (attachment) (5 min)
12. 10026 Determination of jurisdiction on complaint filed by Ray Hartz against the City Attorney's Office for allegedly violating Section 67.29 of the Ordinance. (action item) (attachment) (5 min)
13. 10026 Hearing on complaint filed by Ray Hartz against the City Attorney's Office for allegedly violating Section 67.29 of the Ordinance. (action item) (attachment) (15 min)
14. 10027 Determination of jurisdiction on complaint filed by Barry Taranto against the MTA Board of Directors for alleged violating the Ralph M. Brown Act for conversing extensively with an MTA employee on an item not on the agenda (action item) (attachment) (5 min)
15. 10027 Hearing on complaint filed by Barry Taranto against the MTA Board of Directors for alleged violating the Ralph M. Brown Act for conversing extensively with an MTA employee on an item not on the agenda (action item) (attachment) (15 min)
16. 10028 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly not notifying him of an upcoming meeting (action item) (attachment) (5 min)
17. 10028 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly not notifying him of an upcoming meeting (action item) (attachment) (15 min)
18. 10029 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly interrupting him while he was speaking during public comment session (action item) (attachment) (5 min)
19. 10029 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly interrupting him while he was speaking during

- public comment session (action item) (attachment) (15 min)
20. 10030 Determination of jurisdiction on complaint filed by Michael Wright against the Human Services Agency for allegedly denying him access to a Housing and Homeless Division meeting (action item) (attachment) (5 min)
  21. 10030 Hearing on complaint filed by Michael Wright against the Human Services Agency for allegedly denying him access to a Housing and Homeless Division meeting (action item) (attachment) (15 min)
  22. 10031 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly denying him access to a Local Homeless Coordinating Board meeting (action item) (attachment) (5 min)
  23. 10031 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly denying him access to a Local Homeless Coordinating Board meeting (action item) (attachment) (15 min)
  24. 10034 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Department of Technology for allegedly failing to respond to an Immediate Disclosure Request (action item) (attachment) (5 min)
  25. 10034 Hearing on complaint filed by Nick Pasquariello against the Department of Technology for allegedly failing to respond to an Immediate Disclosure Request (action item) (attachment) (15 min)
  26. Adoption of 2009-10 Annual Report to the Board of Supervisors (attachment) (discussion and possible action) (15 minutes)
  27. Ethics Commission proposed policy for handling Sunshine-related complaints (discussion and possible action) (30 minutes)
  28. Establishment of a Sunshine Award to be given out annually by the Task Force (discussion and possible action) (15 minutes)
  29. Report: Compliance and Amendments Committee: meeting of July 13, 2010. (Allyson Washburn) (discussion and possible action) (5 min)
  30. Administrator's Report (discussion) (5 min)
  31. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (12 min)
  32. Announcements, comments, questions, and future agenda items from the Task Force (no action) (no attachment) (5 min)

**Adjournment**

**Next regularly scheduled meeting: Aug., 24, 2010**

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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July 27, 2010

## SUNSHINE ORDINANCE TASK FORCE

## REGULAR MEETING

## MINUTES

Tuesday, July 27, 2010

4:00 p.m., City Hall, Room 408

## Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	LaTonia Stokes
Seat 7	Nick Goldman	Ex-officio	(Vacant)

Call to Order 4:06 P.M.

**Roll Call Present:** Snyder, Knee, Cauthen, Washburn, Chan (in at 4:23), Johnson, Williams  
**Excused:** Manneh, Knoebber, Goldman, Wolfe

**Agenda Changes:** Item 31 heard before Item 11. Quorum lost at 8:30 p.m.

**Deputy City Attorney:** Jana Clark  
**Clark:** Chris Rustom

1. Approval of March 23, 2010, regular-meeting minutes.

Motion to continue Items 1 through 6.

Public Comment: Ray Hartz said an ongoing problem is that an unrelated document is being associated with his complaints. Thomas Picarello encouraged the Task Force to keep up with the minutes.

Motion approved without objection.

2. Approval of May 4, 2010, special-meeting minutes.

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3. Approval of May 11, 2010, special-meeting minutes.
4. Approval of May 25, 2010, regular-meeting minutes.
5. Approval of June 1, 2010, special-meeting minutes.
6. Approval of June 22, 2010, regular meeting minutes.
7. 10018 The Compliance and Amendments Committee has referred # 10018 Svetlana Ptashnaya v the Department of Adult and Aging Services to the Task Force for possible referral to an enforcement agency for failure to comply with the June 22, 2010, Order of Determination.

Complainant Svetlana Ptashnaya said she has not received any additional information from the respondent.

The respondent was not present. No one in the audience presented facts and evidence in support of the respondent.

Chair Knee recalled that the respondent attended the Compliance and Amendments meeting on July 13, 2010, and clearly stated that she did not intend to comply with the Order of Determination. He also said the department was also in violation of Section 67.21(c), because the respondent was not present.

In closing, Ms. Ptashnaya said she needed the Task Force's help to get the information she wants.

Motion to refer the matter to the Ethics Commission for willful violation of Section 67.21(c) for not assisting the requestor, Section 67.21(c) for not sending a knowledgeable representative to the hearing, and Section 67.24(c) for not releasing documents related to an employee's misconduct. (Knee / Williams)

Public Comment: Thomas Picarello said he was in favor of the motion. Ray Hartz suggested mentioning the department head's name because that person is ultimately responsible for the actions of City employees under his or her leadership.

On the motion:

Ayes: Snyder, Cauthen, Washburn, Chan, Johnson, Williams, Knee.

8. 10010 Determination of jurisdiction on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda

Continued to August 24, 2010, regular meeting.

9. 10010 Hearing on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item

Continued to August 24, 2010, regular meeting.

10. 10024 Continued hearing on complaint filed by Ray Hartz against the Police Department for failure to comply with requirements of Section 67.29

Complainant Ray Hartz said the index at the back of a book tells the reader what is available on which particular page. He said the department's index does not follow that example. What the department provides is only a retention schedule, he said. The department is the custodian of records and not the defenders of records, he said.

Lt. Simon Silverman of the Police Department said the Ordinance states that "The index need not be in such detail as to identify files or records concerning a specific person, transaction or other event, but shall clearly indicate where and how records of that type are kept." That is exactly what the department has on its Index of Records and it is also consistent with other City departments' practices, he said. It is the City Administrator who provides the format and his department has followed the guidelines, he said.

Olga Ryerson of the City Administrator's Office said the index identifies records by type and it does help the public identify where the documents are kept and for how long. She also said if a link is found to be broken, a call to the contact number on the CAO's webpage was the answer. She said there are three ways to search for records from the CAO's main page, by department, by document name, and by department and keyword. She said the department is revising its policy on guidelines and will soon inform City departments.

In closing, Lt. Silverman said based on the language in Section 67.39, the department believes it is in compliance. To go into more details would be a burden to the department, he said. Mr. Hartz said nobody is addressing his concern which is: Does this index help the public get whatever record they want from a particular department? The answer, he said, was "no."

Motion to find violation of Section 67.29 (Washburn / Williams)

Public Comment: Charles Pitts said the Police Department needs to be told to step up to the plate.

On the motion:

Ayes: Washburn, Chan, Williams, Knee  
Noes: Snyder, Cauthen, Johnson

Motion fails.

Chair Knee invited members to provide language to be used in drafting a letter to be sent to the Police Department and the City Administrator's Office to urge them to make the Index of Records more meaningful.

Matter concluded.

11. 10026 Prehearing on complaint filed by Ray Hartz against the City Attorney's Office for allegedly violating Section 67.29 of the Ordinance.

Jack Song of the City Attorney's Office said the pre-hearing was no longer necessary because the complainant has provided the requested information.

The complainant had nothing to say.

Member Chan disclosed that he knew Mr. Song but his acquaintance would not affect his judgment.

12. 10026 Determination of jurisdiction on complaint filed by Ray Hartz against the City Attorney's Office for allegedly violating Section 67.29 of the Ordinance.

Complainant Ray Hartz said there are more than 200 attorneys working in the City Attorney's Office and they should be able to compare the requirements of Section 67.29 with what is posted in their Index before asking him to clarify his complaint.

Motion to find jurisdiction. ( Johnson / Wasbbum )

Public Comment: None

On the motion:

Ayes: Snyder, Cauthen, Washburn, Chan, Johnson, Williams, Knee.

13. 10026 Hearing on complaint filed by Ray Hartz against the City Attorney's Office for allegedly violating Section 67.29 of the Ordinance.

Complainant Ray Hartz said the index was presented in such a way that there were many ways the Police Department could hide documents from the general public and no one would know about it. He said the Task Force does not pay attention to the fact that the index does not help a person get to know what documents exist and how to see or inspect it. He compared the index to a library that just said certain subjects were on certain floors and the visitor had to go and look for what he or she wanted.

Respondent Jack Song said his office has provided all the information as required by law. He said the link to the City Attorney's Office webpage from the City Administrator's Office website was easily fixable. The index, he said, has been a very useable tool and has assisted the public to get the document they need.

Olga Ryerson of the City Administrator's Office said the public has used the index for the past 10 years and have found it to be a usable tool.

In closing, Mr. Song said the language in Section 67.29 was vague and that the various entities need to get together to make it clear and precise. Mr. Hartz said the retention schedule does not reflect what is in the index. He said the simplest way to provide a meaningful listing would be to list the forms the department reorders from a printer on a regular basis.

Motion to find violation of Section 67.29 ( Wasbbum / Knee )

Public Comment: None.

On the motion:

Ayes: Wasbbum, Williams

Noes: Snyder, Cauthen, Chan, Johnson, Knee

14. 10027 Determination of jurisdiction on complaint filed by Barry Taranio against the MTA Board of Directors for alleged violating the Ralph M. Brown Act for conversing extensively with an MTA employee on an item not on the agenda

Motion to find violation ( Johnson / Wasbbum )

Public Comment: None

On the motion:

Ayes: Snyder, Knee, Cauthen, Wasbbum, Chan, Johnson, Williams



15. 10027 Hearing on complaint filed by Barry Taranto against the MTA Board of Directors for alleged violating the Ralph M. Brown Act for conversing extensively with an MTA employee on an item not on the

Complainant Barry Taranto said he was an advocate for the taxi industry and attended SFMTA meetings regularly. During the June 1, 2010, SFMTA meeting Mark Gruber commented on the importance of the 72-hour requirement needed to notice meetings because a recent gathering on medallions had to be cancelled. Commissioner Malcolm Heinicke then questioned Deputy Director of Taxi Services Chris Hayashi, who oversees the taxi administration, on the issue. After Ms. Hayashi had responded he then asked her about other aspects of the medallion issue which was not on the agenda for more than seven minutes.

Roberta Boomer, Secretary to the SFMTA Board of Directors, said several members of the public had expressed their concern about the noticing issue during the Public Comment session and that Mr. Heinicke was only trying to address the issue. Ms. Boomer said Mr. Heinicke's line of questioning was directed at making sure that the public was getting their concerns resolved expeditiously. The issue, she said, was not discussed by any other member of the board. She noted that Ms. Hayashi's responses were rather lengthy while Mr. Heinicke's questions were not.

Member Johnson said she watched the Public Comment session and the minutes only touched on the notice timing issue. The exchange between Mr. Heinicke and Ms. Hayashi was left out of the minutes. She said Mr. Heinicke went a little too far because he deviated a great deal from just the notice. She said a lot of controversial issues were discussed.

To Member Snyder, Ms. Boomer said she believed there was no violation because the exchange was not amongst board members but between a member of the board and staff whom were trying to address the concerns of the public.

Ms. Boomer did not give any closing remarks. Mr. Taranto said Mr. Heinicke was on the now-disbanded Taxi Commission and knew what questions to ask. He said it would be understandable if the discussion stopped after the noticing issue, but the deputy city attorney allowed the discussion to continue as the line of question branched off.

Motion to find violation of Section 67.7(d) ( Johnson / Williams )

On the motion:

Ayes: Snyder, Cauthen, Washburn, Chan, Johnson, Williams, Knee

16. 10028 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly not notifying him of an upcoming meeting.

Motion to find jurisdiction ( Cauthen / Williams )

Public Comment: None

On the motion:

Ayes: Snyder, Cauthen, Washburn, Chan, Johnson, Williams, Knee

17. 10028 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly not notifying him of an upcoming meeting.

Complainant Charles Pitts said the Task Force had recommended the Local Homeless Coordinating Board add his name to its agenda email list in late 2009. He said the agency followed up on the recommendation only after he filed the current complaint.

Respondent Ali Schlageter of the Local Homeless Coordinating Board said Mr. Pitts was on the agency's list serve and as proof she had submitted a print out of the document.

In closing, Ms. Schlageter said she did not have anything to add. Mr. Pitts said Ms. Schlageter has interacted with him with hostility several times and to bring up the issue with her would not have been productive.

Motion to find no violation ( Snyder / Washburn )

Public Comment: Thomas Picarello said Mr. Pitts has two other complaints on the agenda and the Task Force should bear those before reaching a conclusion on this "he said, she said" issue.

On the motion:

Ayes: Snyder, Washburn, Chan, Williams, Knee

Noes: Cauthen, Johnson

Motion fails.

Chair Knee proposed a motion to find a violation, but it was not adopted.

Matter concluded.

18. 10029 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly interrupting him while he was speaking during public comment session  
  
Motion to find jurisdiction ( Cauthen / Williams )  
  
Public Comment: None  
  
On the motion:  
Ayes: Snyder, Cauthen, Washburn, Johnson, Williams, Knee  
Excused: Chan
19. 10029 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly interrupting him while he was speaking during public comment session.  
  
Complainant Charles Pitts said he wanted to know why he was cut off while offering public comment and what the agenda item was about. Thomas Picarello said he was present at the June 1, 2010, meeting and the agenda item was about the \$20 million McKinney Vento federal funding. He said Mr. Pitts was told to stop speaking on the action item and to voice his concerns during the Public Comment session.  
  
Respondent Ali Schlageter of the Local Homeless Coordinating Board said the reason why Mr. Pitts was cutoff was because his comment did not pertain to the agenda item. The committee was discussing the goals and actions related to the funding while Mr. Pitts wanted to express his opinion about outreach and shelters, which are not associated with the fund. Mr. Michael Wright said it was a simple case of misunderstanding and should not have resulted in a complaint with the Task Force.  
  
Chair Knee suggested to Ms. Schlageter that the agenda should mention Public Comment and not Other Updates as it could be mistaken with, among others, updates to staff and other reports.  
  
In closing, Ms. Schlageter said only the full Local Homeless Coordinating Board discusses and votes on action items. Mr. Pitts said it was an action item because the committee discussed and recommended it to the full board.  
  
Motion to find no violation. ( Johnson / Knee )  
  
Public Comment: None  
  
On the motion:  
Ayes: Snyder, Cauthen, Washburn, Johnson, Knee  
Noes: Williams  
  
Motion fails.  
  
Chair Knee proposed a motion to find a violation, but it was not adopted.  
  
Matter concluded.
20. 10030 Determination of jurisdiction on complaint filed by Michael Wright against the Human Services Agency for allegedly denying him access to a Housing and Homeless Division meeting  
  
Continued to August 24, regular meeting.
21. 10030 Hearing on complaint filed by Michael Wright against the Human Services Agency for allegedly denying him access to a Housing and Homeless Division meeting  
  
Continued to August 24, regular meeting.
22. 10031 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly denying him access to a Local Homeless Coordinating Board meeting  
  
Continued to August 24, regular meeting.
23. 10031 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly denying him access to a Local Homeless Coordinating Board meeting  
  
Continued to August 24, regular meeting.
24. 10034 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Department of Technology for allegedly failing to respond to an Immediate Disclosure Request  
  
Motion to continue to August 24, 2010, regular meeting.  
  
Without objection.

25. 10034 Hearing on complaint filed by Nick Pasquariello against the Department of Technology for allegedly failing to respond to an Immediate Disclosure Request

Motion to continue to August 24, 2010, regular meeting.

Without objection.

26. Adoption of 2009-10 Annual Report to the Board of Supervisors

Continued to August 24, regular meeting.

27. Ethics Commission proposed policy for handling Sunshine-related complaints

Continued to August 24, regular meeting.

28. Establishment of a Sunshine Award to be given out annually by the Task Force.

Motion to continue to August 24, 2010, regular meeting.

Without objection.

29. Report: Compliance and Amendments Committee: meeting of July 13, 2010. (Allyson Washburn)

Continued to August 24, regular meeting.

30. Administrator's Report

Continued to August 24, regular meeting.

31. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible

Allen Grossman said if only seven members were present and two were against the motion, the outcome was not acceptable and the loophole needed to be fixed. He also said the minutes needs to be in detail and posted on a timely basis. William Clark said Mayor Newsom signed an ordinance that increased the membership fee street artists have to pay to the Arts Commission. He claimed the commission raised the fee to process public documents requests. Rob Clark said he and his twin brother had already raised the issue and those concerned and that a complaint would be filed after a few days. Ray Hartz said the outcome of a complainant's grievance depends on the attendance of Task Force members. He also said certain members are not for the complainants but out to protect the City. Thomas Picarello said the meetings need to be recorded so that the public knows what was happening. He said the Board of Supervisors only allots each speaker 210 seconds to talk about a 6.5 billion budget and that the Task Force should not be participating in illegal meetings. Michael Wright said the Board of Supervisors always reduces public comment to two minutes that was insulting because the supervisors could speak non-stop the entire day. He also said Task Force meetings need to be televised. Charles Pitts said the Task Force should seek a City Attorney opinion on the vote issue.

32. Announcements, comments, questions, and future agenda items from the Task Force: None

Adjournment: The meeting was adjourned at 8:45 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force





**Sunshine Ordinance Task Force**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, August 24, 2010  
4:00 p.m., City Hall, Room 408

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**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Nick Goldman	Ex-officio	(Vacant)

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Approval of March 23, 2010, regular-meeting minutes. (attachment) (action item) (5 min)
2. Approval of May 4, 2010, special-meeting minutes. (attachment) (action item) (5 min)
3. Approval of May 11, 2010, special-meeting minutes. (attachment) (action item) (5 min)
4. Approval of May 25, 2010, regular-meeting minutes. (attachment) (action item) (5 min)
5. Approval of June 1, 2010, special-meeting minutes. (attachment) (action item) (5 min)
6. Approval of June 22, 2010, regular meeting minutes. (attachment) (action item) (5 min)
7. Approval of July 27, 2010, regular meeting minutes. (attachment) (action item) (5 min)

8. Special recognition to Nicholas Goldman for his community service as member of the Sunshine Ordinance Task Force and Chair of the Complaint Committee. (no attachment) (10 min)
9. 10013 The Compliance and Amendments Committee has referred to the Task Force a recommendation that File No. 10013, Nick Pasquariello v. Department of Technology, be forwarded to the Ethics Commission due to willful violation for failure to comply with the May 25, 2010, Order of Determination (action item) (attachment) (15 min)
10. 10025 The Compliance and Amendments Committee has referred to the Task Force a recommendation that File No. 10025, Ray Hartz v. Police Commission, be forwarded to an enforcement agency due to willful violation if the Police Commission fails to demonstrate that its Index of Records fulfills the requirements set by Section 67.29 of the Ordinance. (action item) (attachment) (15 min)
11. 10030 Determination of jurisdiction on complaint filed by Michael Wright against the Human Services Agency for allegedly denying him access to a Housing and Homeless Division meeting. (action item) (attachment) (5 min)
12. 10030 Hearing on complaint filed by Michael Wright against the Human Services Agency for allegedly denying him access to a Housing and Homeless Division meeting. (action item) (attachment) (15 min)
13. 10031 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly denying him access to a Local Homeless Coordinating Board meeting. (action item) (attachment) (5 min)
14. 10031 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly denying him access to a Local Homeless Coordinating Board meeting. (action item) (attachment) (15 min)
15. 10034 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Department of Technology for allegedly failing to respond to an Immediate Disclosure Request. (action item) (attachment) (5 min)
16. 10034 Hearing on complaint filed by Nick Pasquariello against the Department of Technology for allegedly failing to respond to an Immediate Disclosure Request. (action item) (attachment) (15 min)
17. 10036 Determination of jurisdiction on the complaint filed by Thomas Picarello against the Single Room Occupancy Hotel Safety & Stabilization Task Force for allegedly preventing him from commenting on a proposed action item and allegedly legislating and vetting pending public matters by email. (action item) (attachment) (5 min)
18. 10036 Hearing of complaint filed by Thomas Picarello against the Single Room Occupancy Hotel Safety & Stabilization Task Force for allegedly preventing him from commenting on a proposed action item and for allegedly legislating and

- vetting pending public matters by email. (action item) (attachment) (15 min)
19. 10037 Determination of jurisdiction on complaint filed by Suzanne Dumont against the Department of Recreation and Park for allegedly not providing all emails pertaining to the Stow Lake Boathouse. (action item) (attachment) (5 min)
  20. 10037 Hearing of complaint filed by Suzanne Dumont against the Department of Recreation and Park for allegedly not providing all emails pertaining to the Stow Lake Boathouse. (action item) (attachment) (15 min)
  21. 10038 Determination of jurisdiction on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly not providing documents related to an incident at the Tom Waddell Health Center. (action item) (attachment) (5 min)
  22. 10038 Hearing of complaint filed by Jason Grant Garza against the Department of Public Health for allegedly not providing documents related to an incident at the Tom Waddell Health Center. (action item) (attachment) (15 min)
  23. 10010 Determination of jurisdiction on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item (action item) (attachment) (5 min)
  24. 10010 Hearing on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item (action item) (attachment) (15 min)
  25. Meeting schedule: Proposal to cancel the Task Force's regular meetings of November 23, 2010, and December 21, 2010, and schedule special meetings on November 30, 2010, and January 4, 2011. (discussion and possible action) (5 min)
  26. Adoption of 2009-10 Annual Report to the Board of Supervisors (attachment) (discussion and possible action) (15 minutes)
  27. Establishment of a Sunshine Award to be given out annually by the Task Force (discussion and possible action) (15 minutes)
  28. Report: Complaint Committee: meeting of August 10, 2010. (discussion and possible action) (5 min)
  29. Report: Compliance and Amendments Committee: meeting of August 10, 2010. (discussion and possible action) (5 min)
  30. Report: Education, Outreach and Training Committee: meeting of August 12, 2010. (discussion and possible action) (5 min)
  31. Administrator's Report (attachment) (discussion) (5 min)
  32. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action)



33. Announcements, comments, questions, and future agenda items from the Task Force (no action) (no attachment) (5 min)

**Adjournment**

**Next regularly scheduled meeting: Sept., 28, 2010**

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (Section 67.16)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (Section 67.7-1 (c))

- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

**Above total speaking times for Complainant and City to be the same.**

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [soft@sfgov.org](mailto:soft@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).



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August 24, 2010

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
MINUTES**

Tuesday, August 24, 2010  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Kneeh (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

**Call to Order** 4:27 P.M.

**Roll Call Present:** Snyder, Kneeh, Cauthen, Manneh, Washburn, Wolfe (in at 4:30 p.m.), Chan (in at 7:52 p.m.), Johnson  
**Excused:** Knoebber, Williams

**Agenda Changes:** Items heard in the following order: 1, 2, 3, 4, 5, 6, 7, 10, 32, 15, 16, 11, 12, 13, 14, 17, 18, 21, 22. Quorum was lost at 11:04 p.m.

**Deputy City Attorney:** Jana Clark

**Clerk:** Chris Rustom

- Approval of March 23, 2010, regular meeting minutes.

Motion to approve March 23, 2010, regular meeting minutes. (Wolfe / Cauthen )

Public Comment: None.

On the motion:

Ayes: Snyder, Cauthen, Washburn, Wolfe, Johnson, Kneeh

Motion passes.
- Approval of May 4, 2010, special meeting minutes.

Motion to approve May 4, 2010, special meeting minutes. ( Wolfe / Cauthen )

Public Comment: None.

On the motion:

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Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Johnson, Knee

Motion passes.

3. Approval of May 11, 2010, special meeting minutes.

Motion to approve May 11, 2010, special meeting minutes. ( Cauthen / Washburn )

Public Comment: None.

On the motion:

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Johnson, Knee

Motion passes.

4. Approval of May 25, 2010, regular meeting minutes.

Motion to approve May 25, 2010, special meeting minutes. ( Wolfe / Cauthen )

Public Comment: None.

On the motion:

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Johnson, Knee

Motion passes.

5. Approval of June 1, 2010, special meeting minutes.

Motion to approve June 1, 2010, special meeting minutes. ( Wolfe / Cauthen )

Public Comment: None.

On the motion:

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Johnson, Knee

Motion passes.

6. Approval of June 22, 2010, regular meeting minutes.

Continued to September 28, 2010, meeting, without objection.

7. Approval of July 27, 2010, regular meeting minutes.

Continued to September 28, 2010, meeting, without objection.

8. Special recognition to Nicholas Goldman for his community service as a member of the Sunshine Ordinance Task Force and Chair of the Complaint Committee.

Continued to September 28, 2010, meeting, without objection.

9. 10013 The Compliance and Amendments Committee has referred to the Task Force a recommendation that File No. 10013, Nick Pasquariello v. Department of Technology, be forwarded to the Ethics Commission due to willful violation for failure to comply with the May 25, 2010, Order of Determination.

Complainant Nick Pasquariello said the Task Force had spoken loud and clear on how BAVC did not comply with the Order of Determination and that the time had come to send the matter to the Ethics Commission for enforcement.

Krisana Hodges said the issue of dates was brought up at the Compliance and Amendments Committee hearing and she was not given the chance to present her side of the story. She said on Dec. 19, 2009, the department produced a number of documents for Mr. Pasquariello. He was also directed by mail to the website where the same documents were available on May 20, she said. The department on May 27 again provided additional documents Mr. Pasquariello requested. The last of the documents, she said, were provided on June 7. Barry Fraser of the Department of Technology verified the timeline for the production of documents and said some documents were produced before the Order of Determination was issued and the rest were handed over within the five-day time frame.

Member Wolfe wanted to know if BVAC had provided Mr. Pasquariello with a printed copy of the contract. Ms. Hodges said there was only one version of the contract and it was held by the department which has also posted a PDF version on its website. She said the department has printed Mr. Pasquariello a copy of the PDF version and for her to print the same file would be a waste of ink, paper and time.

Member Wolfe said complainant had a right to receive a copy of BAVC's contract to compare it with the version he received from the Department of Technology.

To Member Johnson, Ms. Hodges said BAVC does maintain its own copy of the contract and had not provided a copy of that version to complainant.

Answering members' questions, Mr. Pasquariello told members he had provided Ms. Hodges with a mailing address and that she could mail him a copy of the contract. He also said providing the links by email to where the document resided did not meet Sunshine requirements. Ms. Hodges said she has sent Mr. Pasquariello documents by email and the postal service but he has yet to acknowledge receipt. Mr. Pasquariello finally said the department provides him with documents on a CD and that form of delivery was acceptable to him. Ms. Hodges was told to put the contract onto a CD and have it mailed to him. She agreed.

In closing, Ms. Hodges said BAVC is complying with the requirements of Chapter 12L and is also committed to operating transparently. To that extent, she said, BAVC intends to place more documents on the website than it is required under Chapter 12L. This also eliminated the 10 cents per page issue, she said. Mr. Pasquariello said BAVC has not held two public meetings a year as required by the contract and Chapter 12L. He said BAVC was behaving in a dishonest manner and should not be given any City contract. Public access is an extraordinary public service and BAVC has done a terrible disservice, he said.

Motion to refer Mr. Ken Ikeda of the Bay Area Video Coalition to the Ethics Commission for willfully violating Sec. 67.34 by failing to comply with the May 25, 2010, Order of Determination. ( Washburn / Wolfe )

Public Comment: Ray Hartz said the law requires that BAVC produce what was asked from them. He also said he would certainly have his own copy of a contract because if there was only one copy, the holder of that copy could manipulate it. Jason Grant Garza wanted to know if there was a guarantee against the Ethics Commission overruling the Task Force's decision. Michael Wright said the Ethics Commission's requirements on willful violation need to be known in order for the Task Force's decision to be sustained. He suggested asking that question at the Commission's next meeting. Jim Morris, a producer with SF Commons, said Mr. Pasquariello was searching for honesty and accuracy. He said BAVC could have put the document on CD at the very beginning instead of having an attorney represent them.

On the motion:

Ayes: Snyder, Manneh, Washburn, Wolfe, Johnson, Knee

Noes: Cauthen

Motion passes.

10. 10025

The Compliance and Amendments Committee has referred to the Task Force a recommendation that File No. 10025, Ray Hartz v. Police Commission, be forwarded to an enforcement agency due to willful violation if the Police Commission fails to demonstrate that its Index of Records fulfills the requirements set by Section 67.29 of the Ordinance.

Complainant Ray Hartz said when he clicks on the Police Commission's General Orders link there is no additional information available. However, he said that if he went to the agendas and minutes section more information than before was being provided. He said although there was improvement, access was also needed to the vast majority of the documents held by the Police Commission. He said the Police Commission is in control of the documents but is not its owner. He said the Police Commission at its last meeting discussed hiring someone to assist Lt. Reilly in responding to public records requests. He said if the General Orders were on the website he could read and print them rather than having to make a public records request for the document.

Lt. Joe Reilly, Secretary of the Police Commission, said his two-person office's workload is burdensome but they do their best. He said he does not want to comment on the Police Department's website but their General Orders are accessible through that link. He said the Police Commission meets every week and has a lot of support documents that are maintained chronologically. He said a Police Commission resolution directs the viewer to the background information, the agenda as well as the notice and minutes of the meetings. He said all documents are available online. The Police Commission, he said, still produces minutes in bound edition and is indexed by subject. He said the commission maintains the Index of Records the same way as many other departments. He requested the Task Force find for the Police Commission the same way other departments were found on similar complaints.

Member Wolfe said the complainant is looking at the Index of Records and cannot find any record. Lt. Reilly responded by saying that he does not control the format and specifications of the Index.

Member Johnson noted that the Task Force had agreed at the Compliance and Amendments Committee meeting that Section 67.29 does not require linkage because the Index was only for description purposes and not a document repository.

Member Washburn also told Lt. Reilly that Olga Ryerson of the City Administrator's Office told the committee that her office was working on making improvements to the Index.

In closing, Lt. Reilly said he appreciated all the comments that were made. He also said he was not aware of the improvements but promised full cooperation once the instructions were received.

Mr. Hartz said the new link to the website was what he was asking for from the very beginning. Now, he said who ever goes to the Commission's Index of Records can continue their research at the website.

Chair Knee asked if there was a motion to forward the matter to an enforcement entity.

Public Comment: Jason Grant Garza said the Police Commission representative was misleading the Task Force by saying that one department does not know what another department was doing. He said misleading the public into believing that one could get something off a link is willful violation and official misconduct. Charles Pitts said he believes that the officer just came here to give more excuses and muddy up the waters. He said instead of saying he is not in control of putting things on the web, he blames everybody else.

Chair Knee said Section 67.29 would be amended to include the linkage when the time comes but there is nothing in the language that would bar or prevent the link. If departments and agencies wanted to make the Index useful, he said, they should be making those linkages.

Matter concluded.

11. 10030 Determination of jurisdiction on complaint filed by Michael Wright against the Human Services Agency for allegedly denying him access to a Housing and Homeless Division meeting.

Motion to find jurisdiction ( Cauthen / Washburn )

Public Comment: None

On the motion:

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Johnson, Knee

Motion passes.

12. 10030 Hearing on complaint filed by Michael Wright against the Human Services Agency for allegedly denying him access to a Housing and Homeless Division meeting.

Complainant Michael Wright said he was denied access to the San Francisco Human Services Agency's Shelter and Resource Center Directors' Monthly Meeting held at 1 p.m. at 77 Otis Street on May 17, 2010. He said the monthly meeting was attended by representatives of shelter providers and contractors, staff from the HSA and the Department of Public Health, and Shelter and Resource Center's directors. He said the gathering of such participants to discuss homeless system policies forces the meeting to be conducted in a public setting. He said the agenda for the Directors' meeting agenda included discussions on the shelter extension policy, the medical marijuana policy, and plans to close a shelter. The meetings were not advertised and notification was by emails to participants. At the Stakeholders meeting at 2:30 pm meeting items from the Directors agenda were carried over but because a majority of the participants in the first meeting do not stay for the second meeting the public is denied a full role in helping shape policy. He claimed that the two-agenda meeting was created because a provider recently requested time to speak on issues outside the presence of non-shelter providers. He said this has led to decisions being made before the public gets involved. Representatives of the Coalition on Homelessness have requested that all items be placed on an open agenda and only have closed sessions for allowable topics. But, he said, HSA has said they have the right to hold private meetings.

Charles Pitts said he has read the department's response and finds that the meeting was a passive meeting. Mr. Pitts said once inside the building there was a waiting area where the public has to wait until they are huzzed into the meeting room area. Mr. Pitts claimed that while Mr. Wright was prevented from entering the room other members of the public were allowed in. Jason Grant Garza said he does not see any HSA representative and would like to know the penalties for not attending the meeting because Mr. Wright is entitled to due process and respondent needs to give their side of the story. Thomas Picarello said he has been invited to attend the Directors' meeting but that was when he was a member of the Shelter Monitoring Committee. He said substantial policy issues are discussed at the meetings and the public should be allowed to participate.

The respondent was not present. No one in the audience presented facts and evidence in support of the respondent.

Member Snyder said in order to reach the merits of the case Task Force members need to know more about the meeting. Unfortunately, he said, there is nothing in the record to assist members in reaching a decision. However, he said the respondent has violated Section 67.21(e) for not sending a knowledgeable representative. He suggested the respondent appear before the Compliance and Amendments Committee and explain their position.

To Chair Knee, Mr. Wright said he was already in the conference room and sitting at the table when HSA staffer Scott Walton approached him and told him to leave because it was a private meeting.

In closing, Mr. Wright said the non-appearance is an example of the department's bad-faith intention on not reaching a legal agreement on the matter. He said the department was hoping that he not appear and that the matter would be dropped.

Chair Knee said the matter should be continued because the Task Force does not have the information it needs to make an informed decision. He wanted Pamela Tebo found to have willfully violated Section 67.21(e) and refer it to the Ethics Commission. He said Ms. Tebo has taken it upon herself to decide that the

Directors' meeting is not a passive meeting body and that she has taken it upon herself to decide that the Sunshine Ordinance does not apply. That is not her decision to make and has no business making decisions for the Task Force. She is going beyond her authority, he said.

Motion to find willful violation of 67.21(e) and refer matter to the Ethics Commission ( Knee / Washburn )

Member Wolfe said the reason the department was not present may lie in the email referring to the restraining order. However, he said, other staff members could have represented the department.

Member Wolfe offered a friendly amendment after members discussed how best to resolve the matter.

Motion to find that the San Francisco Human Services Agency Housing and Homeless Division Shelter and Resource Center Director's group is a passive meeting body under Section 67.3(c)(5) of the Ordinance and that the San Francisco Human Services Agency violated Section 67.4(a) and that Pamela Tebo of the Human Services Agency is referred to the Ethics Commission for willfully violating Section 67.21(e) for failing to send a knowledgeable representative to the hearing. The agency needs to attend the September 14, 2010, Compliance and Amendments Committee hearing and produce a written policy that it will abide by Section 67.4(a) of the Sunshine Ordinance. ( Knee / Snyder )

Public Comment: None.

On the motion:

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Chan, Johnson, Knee

Motion passes.

13. 10031 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly denying him access to a Local Homeless Coordinating Board meeting.

Motion to find jurisdiction ( Cauthen / Washburn )

Public Comment: None

On the motion:

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Chan, Johnson, Knee

Motion passes.

14. 10031 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly denying him access to a Local Homeless Coordinating Board meeting.

Complainant Charles Pitts said a person sitting behind a window in the lobby of the building can determine the race, class or status of a person wishing to enter the conference room before buzzing the door open or to deny that person access to the meeting room. When he approached the door, he said, she gave him a look over and denied him access to the conference room. He said he tried to enter when someone opened the door but that person physically obstructed his path and told him he could not enter. It was only when the security guard approved of him that he was allowed entrance, he said. The many barriers placed in the way to a public meeting does not conform to the spirit and the letter of the Sunshine Ordinance, he said. The meeting should not be held in this building and given the City's resources; a suitable site could be located, he added.

Thomas Picarello said the building is not public friendly. The first door is never locked but the second is and anybody wanting to attend the Local Homeless Coordinating Board Funding Committee meeting has to wait five to ten minutes to be buzzed in.

The respondent was not present. No one in the audience presented facts and evidence in support of the respondent.

Member Wolfe said the department's email response was troubling because staff thinks that the hearings are an administrative process. He also said Ali Schlageter's email mentioned a HSA Security Policy and yet the policy was not provided.

To Member Manneh, Mr. Pitts said he did not ask why he was denied entrance because he does what he needs to do and in this case he was trying to open a door to gain access to a public meeting.

In closing, Mr. Pitts said other people who are not driven as he is would have simply turned around and left because of the restrictions at the facility. He said the funding committee met at that same location after he filed his complaint. He said it showed that the department realized that there was a problem but continued as if nothing had happened.

Motion to find the Local Homeless Coordinating Board in violation of Section 67.13 for preventing entry for inappropriate reasons and Alison Schlageter, the Local Homeless Coordinating Board Policy Analyst, in violation of Section 67.21(e) for failing to send a knowledgeable representative to the hearing. ( Chan / Wolfe )



Public Comment: Jason Grant Garza said Section 67.34, willful failure shall be official misconduct, applies in this case because the department was notified that they needed to attend the hearing. He said Section 67.33 also says that department heads have to let the Ethics Commission know that they understand the Sunshine Ordinance.

On the motion:

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Chan, Johnson, Knee

Motion passes.

Matter referred to Education, Outreach and Training Committee.

15. 10034 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Department of Technology for allegedly failing to respond to an Immediate Disclosure Request.

Motion to find jurisdiction ( Cauthen / Wolfe )

Public Comment: None

On the motion:

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Johnson, Knee

Motion passes.

16. 10034 Hearing on complaint filed by Nick Pasquariello against the Department of Technology for allegedly failing to respond to an Immediate Disclosure Request.

Complainant Nick Pasquariello said on November 20, 2009, he submitted an application for time slots at BAVC/SF Commons offices and one of the conditions he agreed to was that BAVC scan his driver's license to be kept on file "for internal use only." On December 22, 2009, he faxed and sent a certified letter asking for clarification of BAVC's privacy and security protection of the digitally scanned driver's licenses. He said he also emailed the letter to BAVC's Board of Directors and has yet to receive a response. On February 23, 2010, BAVC attorney Krisana Hodges told him that the scanning had been outsourced to Salesforce.com. On May 25, 2010, he said, Ms. Hodges offered to send him a copy of the contract between Salesforce.com and BAVC, but later withdrew her offer.

Ray Hartz said BAVC illegally copied Mr. Pasquariello's driver's license without permission and has since transmitted the data to Salesforce.com. He said BAVC did not have the authorization to take it and neither did it have authorization to send it to another entity unless it is part of the contract with the City. Jason Grant Garza said BAVC's silence on the matter is dubious, unethical, immoral but American.

Barry Fraser, an analyst with the Department of Technology, said Mr. Pasquariello faxed an Immediate Disclosure Request on June 24, 2010, requesting copies of contracts between BAVC and Salesforce.com. He said the fax was not delivered to the appropriate department staff and the department became aware of it only when the Task Force notified it that Mr. Pasquariello had filed a complaint. He said the department notified Mr. Pasquariello by mail that it did not have any record responsive to his request. However, on July 15, 2010, BAVC mailed Mr. Pasquariello a link to the Salesforce.com contract. The department found out on August 2, 2010, that Mr. Pasquariello was not aware of BAVC's gesture. Mr. Pasquariello then requested that the department download the document and provide it. The department sent him a copy of the document via email. On August 5, 2010, after Mr. Pasquariello said he had difficulty with email attachments, the department offered him a paper copy but was turned down because he already had a copy. On August 9, 2010, Mr. Pasquariello submitted another IDR to the department requesting a signed copy of the contract. The department responded by saying that it did not have any record responsive to the request. The document, he said, was a click wrap agreement and did not have a signature page. Mr. Fraser admitted that the department was one day late because of the misplaced fax. He also said Mr. Pasquariello had earlier in the day shown him more details on the driver's license agreement and so would like more time to review his allegations. However, he said, that if there were issues it would be about contract compliance and not about Sunshine.

Member Wolfe said under Chapter 12L of the Administrative Code, the complaint needs to go to the department first. If it is not resolved, either party can bring the matter to the Task Force for an advisory opinion. But, he said, the Task Force "shall not prejudice the right of the member of the public and/or the nonprofit organization to obtain a review of the City agency or department's recommendation by the Board of Supervisors as provided herein." Therefore, he said, he does not see any violation by the department because the issue is between Mr. Pasquariello and BAVC. When it comes to Section 67.24 on contracts, bids and proposals, again he sees no violation because the contract is specific between the City and the service provider and not beyond it, he said. He suggested that Mr. Pasquariello file a complaint against BAVC under 12L.

Member Johnson said the Task Force needs to be consistent and hold firm to the fact that the department has admitted that it was not able to respond to the IDR as required by law.

In response, the department had nothing to add. Mr. Pasquariello said how could anyone consider the click agreement a contract when names are not mentioned, especially BAVC's.

Motion to find violation of Section 67.25 for failure to respond to an Immediate Disclosure Request in a timely manner. ( Johnson / Cauthen )

Public Comment: None

On the motion:

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Johnson, Knee

Motion passes.

Chair Knee forwarded the matter to the Education, Outreach and Training Committee and said the committee should contact the department and impress upon them the need to make sure that the communication they receive gets to the proper parties in a timely fashion.

17. 10036 Determination of jurisdiction on the complaint filed by Thomas Picarello against the Single Room Occupancy Hotel Safety & Stabilization Task Force for allegedly preventing him from commenting on a proposed action item and allegedly legislating and vetting pending public matters by email.

Motion to find jurisdiction ( Wolfe / Johnson )

Public Comment: None

On the motion:

Ayes: Snyder, Cauthen, Manneh, Washburn, Wolfe, Chan, Johnson, Knee

Motion passes.

18. 10036 Hearing of complaint filed by Thomas Picarello against the Single Room Occupancy Hotel Safety & Stabilization Task Force for allegedly preventing him from commenting on a proposed action item and for allegedly legislating and vetting pending public matters by email.

Complainant Thomas Picarello said he attended the SRO Task Force's June 17 meeting and saw on the agenda that Item 5 was "Families in SRO Survey." When the item came up, as verified by the minutes, a substantial discussion ensued and at the end he asked to be able to speak on the topic. He said he was told to give his opinion at the general Public Comment session near the end of the meeting. He said the Task Force meets for one-and-a-half-hours but only allocates five minutes for public comment. He said the Sunshine Ordinance and the Brown Act allow him to speak on any possible action item on an agenda. He also said SRO Task Force members discuss legislation and proposals through emails as proven by the documents submitted to the Sunshine Ordinance Task Force. He said doing so denies the public access and input on a public matter.

The respondent was not present. No one in the audience presented facts and evidence in support of the respondent.

Mr. Picarello further said that the reason he was told to provide his views on the issue was because the SRO Task Force members had a lengthy discussion on the topic and was running out of time. He also said he was not the only person who was asked to speak at the end.

Chair Knee said the emails are proof that the participants were taking part in ex parte communications and in a serial meeting.

In closing, Mr. Picarello said a strong message needs to be sent to the SRO Task Force that the practice is illegal. He also said the emails are a small sampling of what was discussed among SRO Task Force members.

Motion to find the SRO Task Force in violation of Sections 67.5 and 67.15(b) for holding a meeting under Section 67.3(b). The Task Force also found Anne Kronenberg, Chair of the Department of Health's SRO Task Force, in violation of Section 67.21(c) for failing to send a knowledgeable representative to the hearing ( Wolfe / Knee )

Public Comment: Charles Pitts said the members of the SRO Task Force should be found in violation. He said he was also at the meeting and that the person who told him and Mr. Picarello that they could not speak was a lawyer. He said the SRO Task Force members wanted to pencil whip the meeting and get the letter out to get the funding.

On the motion:

Ayes: Cauthen, Washburn, Wolfe, Chan, Johnson, Knee

Excused: Snyder, Manneh

Motion passes.

19. 10037 Determination of jurisdiction on complaint filed by Suzanne Dumont against the Department of Recreation and Park for allegedly not providing all emails pertaining to the Stow Lake Boathouse.

Withdrawn.

20. 10037 Hearing of complaint filed by Suzanne Dumont against the Department of Recreation and Park for allegedly not providing all emails pertaining to the Stow Lake Boathouse.

Withdrawn

21. 10038 Determination of jurisdiction on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly not providing documents related to an incident at the Tom Waddell Health Center.

Motion to find jurisdiction ( Cauthen / Knee)

Public Comment: None

On the motion:

Ayes: Snyder, Cauthen, Washburn, Wolfe, Chan, Johnson, Knee

Motion passes.

22. 10038 Hearing on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly not providing documents related to an incident at the Tom Waddell Health Center.

Complainant Jason Grant Garza said this was the latest in a string of appearances he has made before the Task Force. He said only one complaint was remedied and forwarded to the Ethics Commission but nothing came out of it. He said 90 percent of his cases resulted in his favor but somehow no findings were presented. In this case, he wanted to know what the penalty was for the respondent who was not present. He said Eileen Shields of the Department of Public Health was in violation because medical records fall under the Ordinance. He said he went to the Tom Waddell Health Center for urgent medical care because he was denied treatment by Healthy San Francisco. He said no explanation for the refusal was provided. He also requested his records through Crisis Management and that was also denied. He said there was no reason not to give him the records because in 2003 the Task Force had ruled that medical records were under the Sunshine Ordinance.

The respondent was not present. No one in the audience presented facts and evidence in support of the respondent.

Member Wolfe said the department had violated Section 67.27(b) by withholding on the basis that disclosure is prohibited by law. The respondent should cite the specific statutory authority in the California Public Records Act or elsewhere. He said she does not offer any reference.

Member Wolfe said all cities need authorization to disclose health information to ensure that the person in front of them is the person who he or she claims to be.

But Mr. Garza argued that he did not fill out a form in 2002 when the department mailed him his records, and he certainly did not need to fill out one now because the Task Force has already ruled that medical records were covered by the Sunshine Ordinance.

Member Snyder said Ms. Shields's email suggests that the Health Insurance Portability and Accountability Act requires a health agency to verify who you are before they release your records to you. That process involves filling out the Authorization to Release/Request for an Individual's Health Information Form.

Member Wolfe noted that he was not going to advise anybody to sign the form that was presented as evidence because he did not know how old these forms were and because he did not know if those were the correct and current forms.

In closing, Mr. Garza said if the Task Force ruled in his favor and sent it to the Ethics Commission nothing would happen. He said that would be like offering citizens a disservice.

Motion to find Eileen Shields of the Department of Public Health in violation of Section 67.21(c) for failing to send a knowledgeable representative to the hearing and to refer the matter to the Ethics Commission. ( Wolfe / Snyder)

Mr. Garza requested that it not be done, but to wait until the regulations regarding Sunshine complaints were finalized by the Ethics Commission.

Member Wolfe said the option was to continue the matter to a date after the guidelines were accepted.

Member Snyder disagreed. He urged for finding a violation if there was a violation and that the Task Force should not be guided by what the complainant wants.

Member Wolfe said sending the Ethics referral letter works on two tracks. The first is it is entered into the employee's record. The second is it becomes part of the report that the Task Force annually presents to the Board of Supervisors.

Member Washburn made a friendly motion to find the Section 67.21(c) violation and the Ethics referral but to continue the matter to the next hearing. The friendly motion was accepted.

Motion to find Eileen Shields of the Department of Public Health in violation of Section 67.21(e) for failing to send a knowledgeable representative to the hearing and to refer the matter to the Ethics Commission, and for the discussion and possible action of the merits of the complaint be continued to the September 28, 2010, meeting. ( Wolfe / Snyder)

Public Comment: None.

On the motion:

Ayes: Snyder, Cauthen, Washburn, Wolfe, Johnson, Kne

Motion passes.

23. 10010 Determination of jurisdiction on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item.

Continued.

24. 10010 Hearing on complaint filed by Paula Datesh against the Arts Commission for allegedly not notifying her of an agenda item.

Continued.

25. Meeting schedule: Proposal to cancel the Task Force's regular meetings of November 23, 2010, and December 28, 2010, and schedule special meetings on November 30, 2010, and January 4, 2011.

Quorum was lost at 11:04 p.m.

26. Adoption of 2009-10 Annual Report to the Board of Supervisors.

Quorum was lost at 11:04 p.m.

27. Establishment of a Sunshine Award to be given out once by the Task Force.

Quorum was lost at 11:04 p.m.

28. Report: Complaint Committee: meeting of August 10, 2010.

Quorum was lost at 11:04 p.m.

29. Report: Compliance and Amendments Committee: meeting of August 10, 2010.

Quorum was lost at 11:04 p.m.

30. Report: Education, Outreach and Training Committee: meeting of August 12, 2010.

Quorum was lost at 11:04 p.m.

31. Administrator's Report

Quorum was lost at 11:04 p.m.

32. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.

Ray Hartz said his experience in interacting with the various departments and commissions have given him a solid grounding on how employees react when they want to prevent someone from getting what they want. He said public records belong to the citizens of the City and County of San Francisco and nobody else. He said Ellen Tsang's First Amendments Rights were violated when she was denied the documents she needed. He also said his original complaints filed in 2008 and 2009 have never been resolved. The Order of Determination, he said, was for a follow up after six months but nothing has happened since. Jason Grant Garza said the Task Force has sent 14 cases to the Ethics Commission for enforcement and all the cases have been over-ruled. He said the Task Force is offering the citizens false choice and false hope by sending the cases to the Ethics Commission for enforcement. Charles Pitts said he wanted the Task Force to send a letter to the Local Homeless Coordinating Board because they do not seem to understand the Sunshine Ordinance.

Adjournment: The meeting was adjourned at 11:04 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force



**Sunshine Ordinance Task Force**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Tuesday, August 31, 2010  
5:00 p.m., City Hall, Room 406

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**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Adoption of 2009-10 Annual Report to the Board of Supervisors (attachment) (discussion and possible action) (15 minutes)
2. Meeting schedule: Proposal to cancel the Task Force's regular meetings of November 23, 2010, and December 21, 2010, and schedule special meetings on November 30, 2010, and January 4, 2011. (discussion and possible action) (5 min)
3. Ethics Commission proposed policy for handling Sunshine-related complaints (attachment) (discussion and possible action) (30 minutes)
4. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (12 min)
5. Announcements, comments, questions, and future agenda items from the Task Force (no action) (no attachment) (5 min)

**Adjournment**

Next regularly scheduled meeting: Sept., 28, 2010

**THE AGENDA PACKET IS AVAILABLE FOR REVIEW  
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244**

**SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES**

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (Section 67.16)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (Section 67.7-1 (c))

- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

**Above total speaking times for Complainant and City to be the same.**

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

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**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotfi@sfgov.org](mailto:sotfi@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).

CITY & COUNTY OF SAN FRANCISCO

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August 31, 2010 - special

## SUNSHINE ORDINANCE TASK FORCE

### SPECIAL MEETING

Tuesday, August 31, 2010

4:00 p.m., City Hall, Room 406

#### Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Kne (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

Call to Order 5:45 P.M.

Roll Call Present: Kne, Knoebber, Wolfe, Johnson

Excused: Snyder, Cauthen, Washburn

Absent: Manneh, Chan, Williams

No quorum

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**Sunshine Ordinance Task Force**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
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<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Tuesday, September 7, 2010  
5:00 p.m., City Hall, Room 406

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**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
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3. Ethics Commission proposed policy for handling Sunshine-related complaints (attachment) (discussion and possible action) (30 minutes)
4. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (12 min)
5. Announcements, comments, questions, and future agenda items from the Task Force (no action) (no attachment) (5 min)

**Adjournment**

Next regularly scheduled meeting: Sept., 28, 2010

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

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September 7, 2010 (draft)

## SUNSHINE ORDINANCE TASK FORCE

## SPECIAL MEETING

## DRAFT MINUTES

Tuesday, September 7, 2010

5:00 p.m., City Hall, Room 406

## Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

Call to Order 5:00 p.m. and beginning at 6:00 p.m.

**Roll Call Present:** Snyder, Knee, Manneh, Wolfe (in at 6 p.m.), Chan (left at 7:05 p.m.), Johnson  
**Excused:** Cauthen, Washburn, Knoebber  
**Absent:** Williams

**Agenda Changes:** None**Deputy City Attorney:** Jana Clark (not present)**Clerk:** Chris Rustom

- Adoption of 2009-10 Annual Report to the Board of Supervisors.

Chair Knee noted that Member Cauthen had submitted some recommendations and that the entire document needed to be updated with current information such as Member Nick Goldman's resignation to attend law school, changes made to seat assignments, Clerk's withdrawal of LaTonia Stokes as her Ex-officio, the Sunshine Award being a one-off rather than an annual event and the membership composition of the Compliance and Amendments Committee.

Member Wolfe said the bold lettered paragraph in the Education, Outreach and Training Report on the presence of the Deputy City Attorney at Committee meetings should be mentioned in the master report.

On Member Johnson's request, the Clerk is to provide data that shows the amount of contacts the

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Administrator has had with the public between January 1, 2009 and June 30, 2010. He is also to append the Complaint Logs for January 2009 through June 2010.

Member Johnson said the Index of Records issue should be mentioned under Long-Term Issues. Member Wolfe agreed. Chair Knee asked Member Johnson and Member Wolfe to provide verbiage for the Task Force to consider and incorporate into the report at the Sept. 28 regular meeting. Chair Knee cautioned members that this report needed to get to the Board of Supervisors as soon as possible.

Matter continued to next regular meeting on September 28, 2010.

2. Meeting schedule: Proposal to cancel the Task Force's regular meetings of November 23, 2010, and December 21, 2010, and schedule special meetings on November 30, 2010, and January 4, 2011.

Motion to cancel the Task Force's regular meetings of November 23, 2010, and December 21, 2010, and schedule special meetings on November 30, 2010, and January 4, 2011. ( Wolfe / Johnson )

Public Comment: None

On the motion:

Ayes: Snyder, Manneh, Wolfe, Chan, Johnson, Knee

3. Ethics Commission proposed policy for handling Sunshine-related complaints.

Member Wolfe said the statement in Article 1, paragraph 1, section (c) on page 18 is not what the Ethics Commission should do. He said their role was not to re-adjudicate but to enforce the law. He wanted it to be struck.

Chair Knee said the Task Force also needs to visit Charter Section 15.102 to see what powers the Task Force has and can enforce.

Members further discussed the issue and later a motion was presented.

Motion for Task Force statement to Ethics Commission to state that there was objection to Article 1, paragraph 1, section (c) on page 18, and Article 3, section (a) on page 31 ( Wolfe / Chan )

Member Snyder said the statement to the Ethics Commission should include justification for the objection besides stating the Task Force's objection.

Chair Knee agreed to provide the reasoning.

Member Wolfe said Section 67.30 of the Ordinance also needs to be reviewed in depth to know the responsibilities of the Task Force.

Public Comment: None

On the motion:

Ayes: Snyder, Manneh, Wolfe, Chan, Johnson, Knee

Quorum lost at 7:05 p.m.

4. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.

Quorum lost at 7:05 p.m.

5. Announcements, comments, questions, and future agenda items from the Task Force.

Quorum lost at 7:05 p.m.

**Adjournment:** The meeting was adjourned at 7:05 p.m.

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force





**Sunshine Ordinance Task Force**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Wednesday, September 22, 2010  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

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**Call to Order; Roll Call; Agenda Changes**

1. Adoption of 2009-10 Annual Report to the Board of Supervisors (attachment) (discussion and possible action) (15 minutes)
2. Ethics Commission proposed policy for handling Sunshine-related complaints (attachment) (discussion and possible action) (30 minutes)
3. Public comment on matters not listed on the agenda. (no action) (12 min)
4. Announcements, comments, questions, and future agenda items from the Task Force (no action) (no attachment) (5 min)

**Adjournment**

**Next regularly scheduled meeting: Sept., 28, 2010**

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## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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September 22, 2010

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING**

**Tuesday, September 22 2010**

**5:00 p.m., City Hall, Room 406**

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Kneé (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

**Call to Order** 5:00 p.m. and beginning at 5:30 p.m.

**Roll Call** Present: Kneé, Wolfe, Johnson

Excused: Snyder, Cauthen, Manneh, Washburn, Knoebber

Absent: Williams

No quorum

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Sunshine Ordinance Task Force



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**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, September 28, 2010  
4:00 p.m., City Hall, Room 408

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**Task Force Members**

Seat 1 David Snyder	Seat 8 Bruce Wolfe (Vice Chair)
Seat 2 Richard Knee (Chair)	Seat 9 Hanley Chan
Seat 3 Sue Cauthen	Seat 10 Hope Johnson
Seat 4 Suzanne Manneh	Seat 11 Marjorie Ann Williams
Seat 5 Allyson Washburn	
Seat 6 James Knoebber	Ex-officio (Vacant)
Seat 7 (Vacant)	Ex-officio (Vacant)

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**Call to Order; Roll Call; Agenda Changes**

1. Approval of June 22, 2010, regular meeting minutes. (attachment) (action item) (5 min)
2. Approval of July 27, 2010, regular meeting minutes. (attachment) (action item) (5 min)
3. Approval of August 24, 2010, regular meeting minutes. (attachment) (action item) (5 min)
4. Approval of September 7, 2010, special meeting minutes. (attachment) (action item) (5 min)
5. Special recognition to Nicholas Goldman for his community service as member of the Sunshine Ordinance Task Force and Chair of the Complaint Committee. (no attachment) (10 min)
6. 10030 The Compliance and Amendments Committee has voted to recommend to the Task Force that File No. 10030 Michael Wright v Human Services Agency be forwarded to the Ethics Commission due to willful violation of the Sunshine Ordinance through failure to comply with the August 24, 2010, Order of

Determination (action item) (attachment) (30 min)

7. 10038 Continued hearing on complaint filed by Jason Grant Garza against the Department of Public Health for not providing documentation related to an incident at the Tom Waddell Health Center. (action item) (attachment) (30 min)
8. 10041 Determination of jurisdiction on complaint filed by William and Robert Clark against the Mayor, the Board of Supervisors, and the Arts Commission for passing an Ordinance that allows the Arts Commission to charge a fee to process public document requests. (action item) (attachment) (5 min)
9. 10041 Hearing on complaint filed by William and Robert Clark against the Mayor, the Board of Supervisors, and the Arts Commission for passing an Ordinance that allows the Arts Commission to charge a fee to process public document requests. (action item) (attachment) (30 min)
10. 10046 Determination of jurisdiction on complaint filed by Joseph Victor Lagana against the Police Department for not releasing Computer Assisted Dispatch records pertaining to a 2008 arrest case. (action item) (attachment) (5 min)
11. 10046 Hearing on complaint filed by Joseph Victor Lagana against the Police Department for not releasing Computer Assisted Dispatch records pertaining to a 2008 arrest case. (action item) (attachment) (30 min)
12. 10040 Determination of jurisdiction on complaint filed by Ellen Tsang against the Planning Department for allegedly violating Sections 67.21(b), 67.29-7, 67.21 (c) and others sections of the Ordinance. (action item) (attachment) (5 min)
13. 10040 Hearing on complaint filed by Ellen Tsang against the Planning Department for allegedly violating Sections 67.21(b), 67.29-7, 67.21 (c) and others sections of the Ordinance. (action item) (attachment) (30 min)
14. 10042 Determination of jurisdiction on complaint filed by Cal Tilden against the Recreation and Park Department for allegedly withholding documents related to the Stow Lake concession lease. (action item) (attachment) (5 min)
15. 10042 Hearing on complaint filed by Cal Tilden against the Recreation and Park Department for allegedly withholding documents related to the Stow Lake concession lease. (action item) (attachment) (30 min)
16. 10043 Determination of jurisdiction on complaint filed by Brandon Combs against the Sheriff's Department for allegedly withholding documents. (action item) (attachment) (5 min)
17. 10043 Hearing on complaint filed by Brandon Combs against the Sheriff's Department for allegedly withholding documents. (action item) (attachment) (30 min)
18. Adoption of 2009-10 Annual Report to the Board of Supervisors (attachment) (discussion and possible action) (20 minutes)

19. Ethics Commission proposed policy for handling Sunshine-related complaints (attachment) (discussion and possible action) (20 minutes)
20. Establishment of a Sunshine Award to be given out by the Task Force (discussion and possible action) (15 minutes)
21. Report: Complaint Committee: meeting of September 14, 2010. (attachment) (discussion and possible action) (5 min)
22. Report: Compliance and Amendments Committee: meeting of September 14, 2010. (attachment) (discussion and possible action) (5 min)
23. Administrator's Report (attachment) (discussion) (5 min)
24. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (12 min)
25. Announcements, comments, questions, and future agenda items from the Task Force (no action) (no attachment) (5 min)

**Adjournment**

**Next regularly scheduled meeting: Oct., 26, 2010**

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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- |    |   |                      |
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- |    |  |                      |
|----|--|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.  |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal   | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.   |                      |
| 6. | Public comment (Excluding Complainant & City response, witnesses)  | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) |                      |

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October 26, 2010

**SUNSHINE ORDINANCE TASK FORCE****REGULAR MEETING****AGENDA****Tuesday, October 26, 2010****4:00 p.m., City Hall, Room 408**

26/10

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

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**Call to Order; Roll Call; Agenda Changes**

1. Approval of March 30, 2010, special meeting minutes. (attachment) (action item) (5 min)
2. Approval of April 20, 2010, special meeting minutes. (attachment) (action item) (5 min)
3. Approval of June 22, 2010, regular meeting minutes. (attachment) (action item) (5 min)
4. Approval of July 27, 2010, regular meeting minutes. (attachment) (action item) (5 min)
5. Approval of August 24, 2010, regular meeting minutes. (attachment) (action item) (5 min)
6. Approval of September 7, 2010, special meeting minutes. (attachment) (action item) (5 min)



7. 10030 The Task Force has asked Human Services Agency Executive Director Trent Rhorer to appear and explain why he refused to instruct HSA employees to testify on File No. 10030, Michael Wright v HSA. (action item) (attachment) (30 min)
8. 10041 Hearing on complaint filed by William and Robert Clark against the Mayor, the Board of Supervisors, and the Arts Commission for approving an increase in the certificate fee for street artists, when processing public document access requests is a purpose of the increase. (action item) (attachment) (30 min)
9. 10042 Hearing on complaint filed by Cal Tilden against the Recreation and Park Department for allegedly withholding documents related to the Stow Lake concession lease. (action item) (attachment) (30 min)
10. 10040 Determination of jurisdiction on complaint filed by Ellen Tsang against the Planning Department for allegedly violating Sections 67.21(b), 67.21 (c) , 67.29-7 and other sections of the Sunshine Ordinance. (action item) (attachment) (15 min)
11. 10040 Hearing on complaint filed by Ellen Tsang against the Planning Department for allegedly violating Sections 67.21(b, 67.21(c) , 67.29-7 and other sections of the Sunshine Ordinance. (action item) (attachment) (30 min)
12. 10047 Determination of jurisdiction on complaint filed by Kellee Lanza against the District Attorney's Office for allegedly not responding to her public records request. (action item) (attachment) (5 min)
13. 10047 Hearing on complaint filed by Kellee Lanza against the District Attorney's Office for allegedly not responding to her public records request. (action item) (attachment) (30 min)
14. 10050 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Sunshine Ordinance Section 67.15(d) dealing with public testimony at public meetings. (action item) (attachment) (15 min)
15. 10050 Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Sunshine Ordinance Section 67.15(d) dealing with public testimony at public meetings. (action item) (attachment) (30 min)
16. 10051 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(a) and (e) dealing with public testimony at public meetings. (action item) (attachment) (15 min)
17. 10051 Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(a) and (e) dealing with public testimony at public meetings. (action item) (attachment) (30 min)
18. Report: Complaint Committee: meeting of October 12, 2010. (attachment) (discussion and possible action) (5 min)
19. Report: Compliance and Amendments Committee: meeting of October 12, 2010. (attachment) (discussion and possible action) (5 min)
20. Administrator's Report (attachment) (discussion) (5 min)
21. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
22. Announcements, comments, questions, and future agenda items from the Task Force (no action) (no attachment) (5 min)

**Adjournment**  
**postponed to Nov. 30, 2010.**

**Next regularly scheduled meeting: Nov., 23, 2010,**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

### SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

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- |    |   |                      |
|----|---|----------------------|
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*Above total speaking times for Complainant and City to be the same.*

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

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**Sunshine Ordinance Task Force**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Thursday, November 18, 2010  
5:00 p.m., City Hall, Room 406

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**Task Force Members**

Seat 1 David Snyder  
Seat 2 Richard Knee (Chair)  
Seat 3 Sue Cauthen  
Seat 4 Suzanne Manneh  
Seat 5 Allyson Washburn  
Seat 6 James Knoebber  
Seat 7 (Vacant)

Seat 8 Bruce Wolfe (Vice Chair)  
Seat 9 Hanley Chan  
Seat 10 Hope Johnson  
Seat 11 Marjorie Ann Williams

Ex-officio (Vacant)  
Ex-officio (Vacant)

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**Call to Order; Roll Call; Agenda Changes**

1. Approval of June 22, 2010, regular meeting minutes. (attachment) (action item) (5 min)
2. Approval of July 27, 2010, regular meeting minutes. (attachment) (action item) (5 min)
3. Approval of August 24, 2010, regular meeting minutes. (attachment) (action item) (5 min)
4. Approval of September 7, 2010, special meeting minutes. (attachment) (action item) (5 min)
5. 10042 Hearing on complaint filed by Cal Tilden against the Recreation and Park Department for allegedly withholding documents related to the Stow Lake concession lease. (action item) (attachment) (30 min)
6. 10040 Determination of jurisdiction on complaint filed by Ellen Tsang against the Planning Department for allegedly violating Sections 67.21(b), 67.21 (c), 67.29-7 and other sections of the Sunshine Ordinance. (action item) (attachment) (15 min)

7. 10040 Hearing on complaint filed by Ellen Tsang against the Planning Department for allegedly violating Sections 67.21(b, 67.21(c), 67.29-7 and other sections of the Sunshine Ordinance. (action item) (attachment) (30 min)
  8. 10051 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(a) and (e) dealing with public testimony at public meetings. (action item) (attachment) (15 min)
  9. 10051 Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(a) and (e) dealing with public testimony at public meetings. (action item) (attachment) (30 min)
  10. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
  11. Announcements, comments, questions, and future agenda items from the Task Force (no action) (no attachment) (5 min)
- Adjournment**      **Next regularly scheduled meeting: Nov., 23, 2010, postponed to Nov. 30, 2010.**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW  
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

**SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES**

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- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

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**November 30 - special****SUNSHINE ORDINANCE TASK FORCE****SPECIAL MEETING****AGENDA****Tuesday, November 30, 2010****4:00 p.m., City Hall, Room 408****Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Marjorie Ann Williams
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

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**Call to Order; Roll Call; Agenda Changes**

1. Approval of June 22, 2010, regular meeting minutes. (attachment) (action item) (5 min)
2. Approval of July 27, 2010, regular meeting minutes. (attachment) (action item) (5 min)
3. Approval of August 24, 2010, regular meeting minutes. (attachment) (action item) (5 min)
4. Approval of September 7, 2010, special meeting minutes. (attachment) (action item) (5 min)
5. Approval of September 28, 2010, regular meeting minutes. (attachment) (action item) (5 min)



6. Approval of October 26, 2010, regular meeting minutes. (attachment) (action item) (5 min)
7. Approval of November 18, 2010, special meeting minutes. (attachment) (action item) (5 min)
8. 10047 Hearing on the status of the October 26 Order of Determination in Kellee Lanza v District Attorney's Office. (action item) (attachment) (15 min)
9. 10038 Continued hearing on complaint filed by Jason Grant Garza against the Department of Public Health for not providing documentation related to an incident at the Tom Waddell Health Center. (action item) (attachment) (30 min)
10. 10048 Determination of jurisdiction on complaint filed by Stephen Williams against the Historic Preservation Commission for allegedly not providing the public with draft EIRs that the Commissioners received. (action item) (attachment) (15 min)
11. 10048 Hearing on complaint filed by Stephen Williams against the Historic Preservation Commission for allegedly not providing the public with draft EIRs that the Commissioners received. (action item) (attachment) (30 min)
12. 10049 Determination of jurisdiction on complaint filed by Stephen Williams against the Planning Department for allegedly not providing the public with draft EIRs that the Commissioners received. (action item) (attachment) (15 min)
13. 10049 Hearing on complaint filed by Stephen Williams against the Planning Department for allegedly not providing the public with draft EIRs that the Commissioners received. (action item) (attachment) (30 min)
14. 10052 Determination of jurisdiction on complaint filed by Kai Wilson against the private non-profit North of Market/Tenderloin Community Benefit District for allegedly not responding to an Immediate Disclosure Request seeking the release of certain correspondence. (action item) (attachment) (15 min)
15. 10052 Hearing on complaint filed by Kai Wilson against the private non-profit North of Market/Tenderloin Community Benefit District for allegedly not responding to an Immediate Disclosure Request seeking the release of certain correspondence. (action item) (attachment) (30 min)
16. 10053 Determination of jurisdiction on complaint filed by Jim Flannery against the Department of Public Health for allegedly refusing to provide documents related to lead abatement.. (action item) (attachment) (15 min)
17. 10053 Hearing on complaint filed by Jim Flannery against the Department of Public Health for allegedly refusing to provide documents related to lead abatement.. (action item) (attachment) (30 min)
18. 10055 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.5 (Meetings To Be Open And Public; Application Of Brown Act.). (action item) (attachment) (15 min)
19. 10055 Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.5 (Meetings To Be Open And Public; Application Of Brown Act.). (action item) (attachment) (30 min)
20. Report: Complaint Committee: meeting of October 9, 2010. (attachment) (discussion and possible action) (5 min)
21. Report: Compliance and Amendments Committee: meeting of October 9, 2010. (attachment) (discussion and possible action) (5 min)
22. Administrator's Report (attachment) (discussion) (5 min)
23. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)

24. Announcements, comments, questions, and future agenda items from the Task Force (no action) (no attachment) (5 min)

**Adjournment**                      **Next regularly scheduled meeting: Dec, 28, 2010, postponed to Jan. 4, 2011.**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

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- |   |                      |
|---|----------------------|
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| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

- |  |                      |
|--|----------------------|
| 3. Matter is with the Task Force for discussion and questions.   |                      |
| 4. Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. Matter is with the Task Force for motion and deliberation.  |                      |
| 6. Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

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January 4, 2010 - special

**SUNSHINE ORDINANCE TASK FORCE****SPECIAL MEETING****AGENDA****Tuesday, January 4, 2011****5:00 p.m., City Hall, Room 408****Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	(Vacant)
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

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**Call to Order; Roll Call; Agenda Changes**

1. 10053 Determination of jurisdiction on complaint filed by Jim Flannery against the Department of Public Health for allegedly refusing to provide documents related to lead abatement. (action item) (attachment) (15 min)
2. 10053 Hearing on complaint filed by Jim Flannery against the Department of Public Health for allegedly refusing to provide documents related to lead abatement. (action item) (attachment) (30 min)
3. 10055 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.5. (action item) (attachment) (15 min)
4. 10055 Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.5. (action item) (attachment) (30 min)

5. 10042 Continued hearing on complaint filed by Cal Tilden against the Recreation and Park Department for allegedly withholding documents related to the Stow Lake concession lease. (action item) (attachment) (30 min)
6. 10040 Continued hearing on complaint filed by Ellen Tsang against the Planning Department for allegedly violating Sections 67.21(b), 67.21 (c), 67.29-7 and other sections of the Ordinance. (action item) (attachment) (30 min)
7. 10057 Determination of jurisdiction on complaint filed by Rita O'Flynn against the Controller's Whistleblower Program for allegedly failing to release records related to a closed case. (action item) (attachment) (15 min)
8. 10057 Hearing on complaint filed by Rita O'Flynn against the Controller's Whistleblower Program for allegedly failing to release records related to a closed case. (action item) (attachment) (30 min)
9. 10060 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to notice a meeting, denying access, and failing to allow for public comment. (action item) (attachment) (15 min)
10. 10060 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to notice a meeting, denying access, and failing to allow for public comment. (action item) (attachment) (30 min)
11. 10061 Determination of jurisdiction on complaint filed by William & Robert Clark against the City Attorney's Office for charging the Arts Commission a fee to disclose public document requests. (action item) (attachment) (15 min)
12. 10061 Hearing on complaint filed by William & Robert Clark against the City Attorney's Office for charging the Arts Commission a fee to disclose public document requests. (action item) (attachment) (30 min)
13. 10050 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.15(d) and the Ralph M Brown Act for interrupting him during public comment.. (action item) (attachment) (15 min)
14. 10050 Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.15(d) and the Ralph M Brown Act for interrupting him during public comment. (action item) (attachment) (30 min)
15. 10054 Determination of jurisdiction on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be entered into the minutes. (action item) (attachment) (15 min)
16. 10054 Hearing on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be entered into the minutes. (action item) (attachment) (30 min)
17. 10056 Determination of jurisdiction on complaint filed by Peter Witt against the SF Municipal Transportation Agency for allegedly misleading and misrepresenting the public, failure to include public correspondence in the PC&N process, and, failure to include a 150-word statement in the minutes. (action item) (attachment) (15 min)
18. 10056 Hearing on complaint filed by Peter Witt against the SF Municipal Transportation Agency for allegedly misleading and misrepresenting the public, failure to include public correspondence in the PC&N process, and, failure to include 150-word statement in the minutes. (action item) (attachment) (30 min)
19. 10059 Determination of jurisdiction on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in her personnel file. (action item) (attachment) (15 min)
20. 10059 Hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in her personnel file. (action item) (attachment) (30 min)

21. 10063 Determination of jurisdiction on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide access to a contract. (action item) (attachment) (15 min)
22. 10063 Hearing on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide access to a local contract. (action item) (attachment) (30 min)
23. 10064 Determination of jurisdiction on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures. (action item) (attachment) (15 min)
24. 10064 Hearing on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures. (action item) (attachment) (30 min)
25. Report: Complaint Committee: meeting of October 9, 2010. (attachment) (discussion and possible action) (5 min)
26. Report: Complaint Committee: meeting of November 9, 2010. (attachment) (discussion and possible action) (5 min)
27. Report: Compliance and Amendments Committee: meeting of October 9, 2010. (attachment) (discussion and possible action) (5 min)
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31. Announcements, comments, questions, and future agenda items from the Task Force (no action) (no attachment) (5 min)

**Adjournment  
2011.**

**Next regularly scheduled meeting: Jan. 25,**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

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- |   |                      |
|---|----------------------|
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- |    |                               |                      |
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- |    |   |                      |
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CITY &amp; COUNTY OF SAN FRANCISCO

## Disclaimers

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January 4, 2011 - special (draft)

## SUNSHINE ORDINANCE TASK FORCE

## SPECIAL MEETING

## DRAFT MINUTES

Tuesday, January 4, 2011

5:00 p.m., City Hall, Room 408

## Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	(Vacant)
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

Call to Order 5:39 P.M.

Roll Call Present: Knee, Manneh, Washburn, Knoebber, Wolfe, Chan (leaves at 7:15), Johnson (in at 5:10)  
Excused: Snyder, Cauthen

Agenda Changes: Item 30 heard before Item 5.

Deputy City Attorney: Jerry Threet

Clerk: Chris Rustom

1. 10053 Determination of jurisdiction on complaint filed by Jim Flannery against the Department of Public Health for allegedly refusing to provide documents related to lead abatement.

Member Knoebber, seconded by Vice chair Wolfe, moved to find jurisdiction.

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 - Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee  
Excused: 2 - Snyder, Cauthen

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1. 10053 Hearing on complaint filed by Jim Flannery against the Department of Public Health for allegedly refusing to provide documents related to lead abatement.

Heard: The complainant was not present. There was no one in the audience who spoke or presented facts and evidence on behalf of the complainant. Amanda Smith represented the Department of Public Health.

**Member Knoebber, seconded by Member Mannch, moved to table the matter.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Cauthen

1. 10055 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.5.

**Member Knoebber, seconded by Member Johnson, moved to recuse Member Chan who said he has affiliations with a person mentioned in the complaint.**

**The motion carried on the following vote:**

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee

Excused: 2 - Snyder, Cauthen

Recused: 1 - Chan

Member Chan left the dais.

**Vice chair Wolfe, seconded by Member Knoebber, moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee

Excused: 2 - Snyder, Cauthen

Recused: 1 - Chan

1. 10055 Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.5.

**Heard:** Ray Hartz provided an overview of his complaint. Lt. Tim Falvey spoke in defense of the Police Commission.

**Vice chair Wolfe, seconded by Member Johnson, moved to find violation of Section 67.15(e).**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee

Excused: 2 - Snyder, Cauthen

Recused: 1 - Chan

Chair Knee forwarded the matter to the Education, Outreach and Training Committee.

Member Chan returned to the dais.

1. 10042 Continued hearing on complaint filed by Cal Tilden against the Recreation and Park Department for allegedly withholding documents related to the Stow Lake concession lease.

**Heard:** Mr. Cal Tilden provided an overview of his complaint. Nick Kinsey spoke in defense of the Recreation and Park Department.

**Member Knee, seconded by Member Knoebber, moved to find violation of 67.24(e)(1).**

Public Comment: None.

**The motion failed on the following vote:**

Ayes: 4 - Washburn, Knoebber, Chan, Knee

Noes: 3 - Manneh, Wolfe, Johnson

Excused: 2 - Snyder, Cauthen

**Member Knoebber, seconded by Member Chan, moved to find no violation.**

Public Comment: None.

**The motion failed on the following vote:**

Ayes: 3 - Manneh, Washburn, Wolfe  
Noes: 4 - Knoebber, Chan, Johnson, Knee  
Excused: 2 - Snyder, Cauthen

**Matter concluded.**

1. 10040 Continued hearing on complaint filed by Ellen Tsang against the Planning Department for allegedly violating Sections 67.21(b), 67.21(c), 67.29-7 and other sections of the Ordinance.

Heard: Ellen Tsang provided an overview of his complaint. Jonas Ionin spoke in defense of the Planning Department.

**Member Washburn, seconded by Member Johnson, moved to find violation of Section 67.21(c).**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 6 - Manneh, Washburn, Wolfe, Chan, Johnson, Knee  
Noes: 1 - Knoebber  
Excused: 2 - Snyder, Cauthen

**Matter concluded.**

1. 10057 Determination of jurisdiction on complaint filed by Rita O'Flynn against the Controller's Whistleblower Program for allegedly failing to release records related to a closed case.

**Continued.**

1. 10057 Hearing on complaint filed by Rita O'Flynn against the Controller's Whistleblower Program for allegedly failing to release records related to a closed case.

**Continued.**

1. 10060 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to notice a meeting, denying access, and failing to allow for public comment.

**Member Knoebber, seconded by Vice chair Wolfe, moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee  
Excused: 3 - Snyder, Cauthen, Chan

1. 10060 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to notice a meeting, denying access, and failing to allow for public comment.

Heard: Mr. Charles Pitts provided an overview of his complaint. The respondent was not present. There was no one in the audience who spoke or presented facts and evidence on behalf of the respondent.

**Vice chair Wolfe, seconded by Member Knoebber, moved to find violation of 67.21(c).**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee  
Excused: 3 - Snyder, Cauthen, Chan

Chair Knee rescheduled the matter to the January 25, 2011, meeting.

1. 10061 Determination of jurisdiction on complaint filed by William & Robert Clark against the City Attorney's Office for charging the Arts Commission a fee to disclose public document requests.

**Member Knoebber, seconded by Vice chair Wolfe, moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee  
Excused: 3 - Snyder, Cauthen, Chan

1. 10061 Hearing on complaint filed by William & Robert Clark against the City Attorney's Office for charging the Arts Commission a fee to disclose public document requests.

Heard: Mr. William Clark provided an overview of his complaint. Mr. Jack Song spoke in defense of the City Attorney's Office.

**Member Knoebber, seconded by Vice chair Wolfe, moved to find no violation.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 6 - Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee

Excused: 3 - Snyder, Cauthen, Chan

**Matter concluded.**

1. 10050 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.15(d) and the Ralph M Brown Act for interrupting him during public comment.

**Continued.**

1. 10050 Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.15(d) and the Ralph M Brown Act for interrupting him during public comment.

**Continued.**

1. 10054 Determination of jurisdiction on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be entered into the minutes.

**Continued.**

1. 10054 Hearing on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be entered into the minutes.

**Continued.**

1. 10056 Determination of jurisdiction on complaint filed by Peter Witt against the SF Municipal Transportation Agency for allegedly misleading and misrepresenting the public, failure to include public correspondence in the PC&N process, and, failure to include a 150-word statement in the minutes.

**Continued.**

1. 10056 Hearing on complaint filed by Peter Witt against the SF Municipal Transportation Agency for allegedly misleading and misrepresenting the public, failure to include public correspondence in the PC&N process, and, failure to include 150-word statement in the minutes.

**Continued.**

1. 10059 Determination of jurisdiction on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in her personnel file.

**Continued.**

1. 10059 Hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in her personnel file.

**Continued.**

1. 10063 Determination of jurisdiction on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide access to a contract.

**Continued.**

1. 10063 Hearing on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide access to a local contract.

**Continued.**

1. 10064 Determination of jurisdiction on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures.

**Continued.**

1. 10064 Hearing on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures.

**Continued.**

1. Report: Complaint Committee: meeting of October 9, 2010.  
Committee Chair James Knoebber made the report.
1. Report: Complaint Committee: meeting of November 9, 2010.  
Committee Chair James Knoebber made the report.
1. Report: Compliance and Amendments Committee: meeting of October 9, 2010.  
Committee Chair Alyson Washburn made the report.
1. Report: Compliance and Amendments Committee: meeting of November 9, 2010.  
Committee Chair Alyson Washburn made the report.
1. Administrator's Report  
Chris Rustom made the report.
1. Public comment on matters not listed on the agenda.  
  
Allen Grossman; Thomas Picarello; Ray Hartz; Anonymous Tenants; Charles Pitts; Debra Benedict; expressed various concerns.
1. Announcements, comments, questions, and future agenda items from the Task Force.  
  
Vice chair Wolfe suggested two presentations:
  - Allen Grossman regarding the 6-vote rule
  - The Controller's Office regarding RFPs, RFQs and RFIs.  
Member Manneh indicated that her term expires in March and she may not seek reappointment.  
  
Chair Knee indicated that there would be a panel discussion on WikiLeaks at Schroeder's Restaurant on January 5, 2011; the Society of Professional Journalists is taking nominations for its annual James Madison Award, and details are available at [spjiotheal.org](http://spjiotheal.org).

#### Adjournment

*There being no further business, the Task Force adjourned at the hour of 9:26 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>





**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Thursday, January 20, 2011  
5:00 p.m., City Hall, Room 406

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**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	(Vacant)
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. 10057 Determination of jurisdiction on complaint filed by Rita O'Flynn against the Controller's Whistleblower Program for allegedly failing to release records related to a closed case. (action item) (attachment) (15 min)
2. 10057 Hearing on complaint filed by Rita O'Flynn against the Controller's Whistleblower Program for allegedly failing to release records related to a closed case. (action item) (attachment) (30 min)
3. 10050 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.15(d) and the Ralph M Brown Act for interrupting him during public comment. (action item) (attachment) (15 min)
4. 10050 Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.15(d) and the Ralph M Brown Act for interrupting him during public comment. (action item) (attachment) (30 min)
5. 10054 Determination of jurisdiction on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be entered into the minutes. (action item) (attachment) (15 min)



6. 10054 Hearing on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be entered into the minutes. (action item) (attachment) (30 min)
7. 10056 Determination of jurisdiction on complaint filed by Peter Witt against the SF Municipal Transportation Agency for allegedly misleading and misrepresenting the public, failure to include public correspondence in the PC&N process, and, failure to include a 150-word statement in the minutes. (action item) (attachment) (15 min)
8. 10056 Hearing on complaint filed by Peter Witt against the SF Municipal Transportation Agency for allegedly misleading and misrepresenting the public, failure to include public correspondence in the PC&N process, and, failure to include 150-word statement in the minutes. (action item) (attachment) (30 min)
9. 10059 Determination of jurisdiction on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in her personnel file. (action item) (attachment) (15 min)
10. 10059 Hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in her personnel file. (action item) (attachment) (30 min)
11. 10063 Determination of jurisdiction on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide access to a contract. (action item) (attachment) (15 min)
12. 10063 Hearing on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide access to a local contract. (action item) (attachment) (30 min)
13. 10064 Determination of jurisdiction on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures. (action item) (attachment) (15 min)
14. 10064 Hearing on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures. (action item) (attachment) (30 min)
15. Public comment on matters not listed on the agenda. Public comment shall be taken at 6:00 p.m., or as soon thereafter as possible (no action) (no attachment)(15 min)
16. Announcements, comments, questions, and future agenda items from the Task Force (no action) (no attachment) (5 min)

**Adjournment**

**Next regularly scheduled meeting: Jan. 25, 2011.**

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes. (*Section 67.16*)

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record. (*Section 67.7-1 (c)*)

- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

***Above total speaking times for Complainant and City to be the same.***

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).



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January 20, 2011 - special (draft)

**SUNSHINE ORDINANCE TASK FORCE**

**SPECIAL MEETING**

**DRAFT MINUTES**

**Tuesday, January 20, 2011**

**5:00 p.m., City Hall, Room 406**

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	(Vacant)
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

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**Call to Order** 5:01 P.M.

**Roll Call** Present: Snyder (in at 5:07), Knee, Manneh, Washburn, Knoebber, Wolfe (leaves at 6:55), Chan (in at 5:04), Johnson  
Excused: Cauthen

**Agenda Changes:** Item 15 heard before Item 9.

**Deputy City Attorney:** Jerry Threet

**Clerk:** Chris Rustom

- I. 10057 Determination of jurisdiction on complaint filed by Rita O'Flynn against the Controller's Whistleblower Program for allegedly failing to release records related to a closed case.  
Withdrawn.
- I. 10057 Hearing on complaint filed by Rita O'Flynn against the Controller's Whistleblower Program for allegedly failing to release records related to a closed case.  
Withdrawn.
- I. 10050 Determination of jurisdiction on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.15(d) and the Ralph M Brown Act for interrupting him during public comment.

**Member Knoebber, seconded by Member Washburn, moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Cauthen

1.

10050

Hearing on complaint filed by Ray Hartz against the Police Commission for allegedly violating Section 67.15(d) and the Ralph M Brown Act for interrupting him during public comment.

Ray Hartz provided an overview of his complaint.

**Member Knoebber, seconded by Member Washburn, moved to recuse Member Chan because of his association with the Police Commission.**

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Johnson, Knee

Excused: 1 - Cauthen

Recused: 1 - Chan

**Member Johnson, seconded by Member Washburn moved to find the Police Commission violation of 67.15(d) for prohibiting public criticism of the Police Commission's agenda changes.**

Public Comment: Anonymous Tenants, Ray Hartz, Debra Benedict spoke in support of the motion.

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Knoebber, Johnson, Knee

Excused: 2 - Cauthen, Wolfe

Recused: 1 - Chan

Chair Knee referred the matter to the Education, Outreach and Training Committee.

Member Chan returned to the dias.

1.

10054

Determination of jurisdiction on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be entered into the minutes.

**Member Knoebber, seconded by Member Manneh, moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Knoebber, Chan, Johnson, Knee

Excused: 2 - Cauthen, Wolfe

1.

10054

Hearing on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be entered into the minutes.

The complainant was present. The respondent was not present. There was no one in the audience who spoke or presented facts and evidence on behalf of the respondent.

**Chair continued the matter to the January 25, 2011, regularly scheduled meeting.**

1.

10056

Determination of jurisdiction on complaint filed by Peter Witt against the SF Municipal Transportation Agency for allegedly misleading and misrepresenting the public, failure to include public correspondence in the PC&N process, and, failure to include a 150-word statement in the minutes.

**Member Knoebber, seconded by Vice chair Wolfe moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

1.

10056

Hearing on complaint filed by Peter Witt against the SF Municipal Transportation Agency for allegedly misleading and misrepresenting the public, failure to include public correspondence in the PC&N process, and, failure to include 150-word statement in the minutes.

Ray Hartz provided an overview of his complaint. Ray Hartz spoke in support of the complainant. The department was represented by Roberta Boomer.

**Vice Chair Wolfe moved to find the SF Municipal Transportation Agency in violation of Section 67.16. Motion died for lack of a second.**

Matter concluded.

1. 10059 Determination of jurisdiction on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in his personnel file.

**Member Knoebber, seconded by Member Chan moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

1. 10059 Hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in his personnel file.

The complainant gave an overview of his complaint. The respondent was not present. There was no one in the audience who spoke or presented facts and evidence on behalf of the respondent.

**Member Snyder, seconded by Vice Chair Wolfe, moved to continue the matter to the January 25, 2011, regularly scheduled meeting.**

**The motion carried on the following vote:**

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

1. 10063 Determination of jurisdiction on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide access to a contract.

**Member Knoebber, seconded by Member Chan moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Knoebber, Chan, Johnson, Knee

Excused: 2 - Cauthen, Wolfe

1. 10063 Hearing on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide access to a local contract.

**Member Knoebber, seconded by Member Johnson, moved to continue the matter to the January 25, 2011, regularly scheduled meeting.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Knoebber, Chan, Johnson, Knee

Excused: 2 - Cauthen, Wolfe

1. 10064 Determination of jurisdiction on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures.

**Member Knoebber, seconded by Member Manneh moved to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Knoebber, Chan, Johnson, Knee

Excused: 2 - Cauthen, Wolfe

1. 10064 Hearing on complaint filed by Anonymous Tenants against the City Attorney's Office for allegedly withholding public records and procedures.

Anonymous Tenants gave an overview of his complaint. The department was represented by Jack Song.

Member Chan said he is acquainted with the respondent but added that the relationship would not prejudice his decision. There was no objection.

**Member Knoebber seconded by Member Washburn, moved to find a violation of Section 67.22(b) and Section 67.27.**

Public Comment:

Ray Hartz, Ellen Tsang spoke in support of the motion.

**Member Johnson, seconded by Member Washburn, moved to find a violation of Section 67.27.**

**The first motion carried on the following vote:**

Ayes: 7 – Snyder, Manneh, Washburn, Knoebber, Chan, Johnson, Knee

Excused: 2 – Cauthen, Wolfe

**The second motion failed on the following vote:**

Ayes: 3 – Manneh, Washburn, Johnson

Noes: 4 – Snyder, Knoebber, Chan, Knee

Excused: 2 – Cauthen, Wolfe

Matter concluded.

1.

Public comment on matters not listed on the agenda. Public comment shall be taken at 6:00 p.m., or as soon thereafter as possible.

Peter Witt spoke about his complaint.

Ray Hartz spoke on various issues.

1.

Announcements, comments, questions, and future agenda items from the Task Force.

Chair Knee said the Society of Professional Journalists is taking nominations for its annual James Madison Award, and details are available at [spjnorthcal.org](http://spjnorthcal.org).

#### **Adjournment**

*There being no further business, the Task Force adjourned at the hour of 8:45 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>

**Sunshine Ordinance Task Force**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine/>

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, January 25, 2011  
4:00 p.m., City Hall, Room 408

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**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	(Vacant)
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

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**Call to Order; Roll Call; Agenda Changes**

1. Presentation by Allen Grossman on the 6-vote majority requirement and its impact on complaints and other matters heard by the Task Force.(discussion) (attachment)(15 min)
2. 10054 Continued hearing on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be entered into the minutes. (action item) (attachment) (30 min)
3. 10059 Continued hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in his personnel file. (action item) (attachment) (30 min)
4. 10060 Continued hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to notice a meeting, denying access, and failing to allow for public comment. (action item) (attachment) (30 min)
5. 10063 Continued hearing on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide copies of a local contract. (action item) (attachment) (30 min)



6. 10065 Determination of jurisdiction on complaint filed by Debra Benedict against the San Francisco Bar Association for allegedly not meeting Chapter 12L requirements. (action item) (attachment) (5 min)
7. 10065 Hearing on complaint filed by Debra Benedict against the San Francisco Bar Association for allegedly not meeting Chapter 12L requirements. (action item) (attachment) (30 min)
8. 10066 Determination of jurisdiction on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly not providing documents related to a union contract. (action item) (attachment) (5 min)
9. 10066 Hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly not providing documents related to a union contract. (action item) (attachment) (30 min)
10. 10068 Determination of jurisdiction on complaint filed by Nick Pasquariello against the SF Municipal Transportation Agency for allegedly not providing him with documents related to the Clipper program. (action item) (attachment) (5 min)
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16. 10072 Determination of jurisdiction on complaint filed by Bruce McLellan against the Recreation and Park Department for allegedly not releasing the Stow Lake lease. (action item) (attachment) (5 min)
17. 10072 Hearing on complaint filed by Bruce McLellan against the Recreation and Park Department for allegedly not releasing the Stow Lake lease. (action item) (attachment) (30 min)
18. Approval of January 4, 2011, special meeting minutes. (action item)

(attachment) (5 min)

19. Approval of January 20, 2011, special meeting minutes. (action item)  
(attachment) (5 min)
20. Report: Complaint Committee meeting of January 11, 2011. (discussion and possible action item) (attachment) (5 min)
21. Report: Compliance and Amendments Committee meeting of January 11, 2011.  
(discussion and possible action item) (attachment) (5 min)
22. Report: Education, Outreach and Training Committee meeting of January 13, 2011. (discussion and possible action item) (attachment) (5 min)
23. Administrator's Report. (discussion) ( attachment) (5 min)
24. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
25. Announcements, comments, questions, and future agenda items from the Task Force members. (no action) (no attachment) (5 min)

**Adjournment**

**Next regularly scheduled meeting: Feb. 22, 2011.**

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

- |  |                      |
|--|----------------------|
| 1. Complainant presents his/her facts and evidence   | 5 minutes            |
| Other parties of Complainant present facts and evidence  | Up to 3 minutes each |
| 2. City responds   | 5 minutes            |
| Other parties of City respond  | Up to 3 minutes each |
| <b><i>Above total speaking times for Complainant and City to be the same.</i></b>  |                      |
| 3. Matter is with the Task Force for discussion and questions.   |                      |
| 4. Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. Matter is with the Task Force for motion and deliberation.  |                      |
| 6. Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotfi@sfgov.org](mailto:sotfi@sfgov.org).

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CITY &amp; COUNTY OF SAN FRANCISCO

## Disclaimers

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January 25, 2011 (draft)

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
DRAFT MINUTES**

Tuesday, January 25, 2011  
4:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	(Vacant)
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

**Call to Order** 4:00 P.M.

**Roll Call** Present: Snyder (leaves at 9:00), Knee, Manneh, Washburn, Knoebber, Wolfe (in at 4:54), Chan, Johnson  
Excused: Cauthen

**Agenda Changes:** Item 2, 3 & 24 heard before Item 1.**Deputy City Attorney:** Jerry Threet**Clerk:** Chris Rustom

1. Presentation by Allen Grossman on the 6-vote majority requirement and its impact on complaints and other matters heard by the Task Force.

**Heard:** Allen Grossman explained why the 6-vote majority needed to be based on the members present at the meeting and not on the number of seats on the Task Force.

**Public Comment:** Ray Hartz, Debra Benedict, Jason Grant Garza, Peter Warfield, Anonymous Tenants and Tomas Picarello spoke in favor.

2. 10054 Continued hearing on complaint filed by Ray Hartz against the Library Commission for allegedly violating Section 67.16 by not allowing his 150-word statement to be placed in the minutes.

**Heard:** Ray Hartz gave an overview of his case. Mary Hudson of the City Librarian's Office requested a continuance because Library Commission Secretary Sue Blackman was not available. The request was denied.

Member Washburn, seconded by Member Chan, motioned to find the Library Commission in violation of Sunshine Ordinance Section 67.15 for altering Mr. Hartz's statement as it constitutes an abridgement and, Section 67.16 for attaching the statement as an addendum and not placing it in the body of the minutes. Library Commission President Jewel Gomez

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was also found in violation of Section 67.21(e) for not sending a knowledgeable person.

Public Comment: Peter Warfield spoke in favor of the motion.

The motion carried on the following vote:

Ayes: 7 - Snyder, Manneh, Washburn, Knoebber, Chan, Johnson, Knee

Excused: 1 - Cauthen

Absent: 1 - Wolfe

3. 10059

The matter was referred to the Education, Outreach and Training Committee.

Continued hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly refusing to provide information contained in his personnel file.

**Heard:** Dorian Maxwell gave an overview of his case. Rumi Uno and Cyndia Chambers provided the defense.

**Member Johnson, seconded by Member Snyder, motioned that the Task Force finds that the SF Municipal Transportation Agency violated Sunshine Ordinance Sections 67.25 for failure to respond, 67.26 for not keeping withholding to a minimum, and 67.27 for failing to provide justification for withholding, and California Public Records Act Section 6254(c) because the requestor was asking for his own file and therefore disclosure to him could not have invaded his personal privacy.**

Public Comment: Jason Grant Garza and Ray Hartz spoke on various issues.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

4. 10060

The matter was referred to the Compliance and Amendments Committee.

Continued hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to notice a meeting, denying access, and failing to allow for public comment.

**Heard:** Charles Pitts gave an overview of his case. The respondent was not present.

**Member Washburn, seconded by Member Snyder, motioned that the Local Homeless Coordinating Board violated Sunshine Ordinance Section 67.21(e) for failing to send a knowledgeable person. Alison Schlegeter was also found to have violated Section 67.34 for willful failure and official misconduct by failing to appear.**

Public Comment: Tomas Picarello said the Task Force needs to find for the complainant if the respondent failed to appear.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

5. 10063

The matter was referred to the Education, Outreach and Training Committee.

Continued hearing on complaint filed by Debra Benedict against the Mayor's Office of Economic & Workforce Development for allegedly failing to provide copies of a local contract.

**Heard:** Debra Benedict gave an overview of her case. Myisha Hervey spoke for the department.

**Vice chair Wolfe, seconded by Member Johnson motioned to find that the department violated Sunshine Ordinance Sections 67.21(b) by not responding within the given time frame, 67.21(c) by failing to assist the requestor, and 67.25(a) by delaying the immediacy of response.**

Public Comment: Jason Grant Garza on various issues.

**Member Knoebber, seconded by Chair Knee, motioned to separating the Section 67.21b violation.**

The motion failed on the following vote:

Ayes: 8 - Knoebber

Noes: 7 - Snyder, Manneh, Washburn, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

The first motion passed on the following vote:

Ayes: 7 - Snyder, Manneh, Washburn, Wolfe, Chan, Johnson, Knee

Noes: 1 - Knoebber

Excused: 1 - Cauthen

The matter was referred to the Compliance and Amendments Committee.

6. 10065 Determination of jurisdiction on complaint filed by Debra Benedict against the San Francisco Bar Association for allegedly not meeting Chapter 12L requirements.

**Member Knoebber, seconded by Vice chair Wolfe, motioned to find jurisdiction.**

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Wasburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

7. 10065 Hearing on complaint filed by Debra Benedict against the San Francisco Bar Association for allegedly not meeting Chapter 12L requirements.

**Heard:** Debra Benedict presented her case. Mairi McKeever represented the respondent.

**No motion was presented.**

Public Comment: Tomas Picarello and Jason Grant Garza spoke on various issues.

The matter was closed.

8. 10066 Determination of jurisdiction on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly not providing documents related to a union contract.

**Member Knoebber, seconded by Member Manneh, motioned to find violation.**

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Wasburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

9. 10066 Hearing on complaint filed by Dorian Maxwell against the SF Municipal Transportation Agency for allegedly not providing documents related to a union contract.

**Heard:** Dorian Maxwell presented his claim. Rumi Uno spoke for the department.

**Member Johnson, seconded by Vice chair Wolfe, motioned to find the department in violation of Section 67.21(b) for failing to respond in a timely manner, and Section 7.27 for failing to provide justification for withholding.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Wasburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

10. 10068 The matter was referred to the Education, Outreach and Training Committee.  
Determination of jurisdiction on complaint filed by Nick Pasquariello against the SF Municipal Transportation Agency for allegedly not providing him with documents related to the Clipper program.

**Member Knoebber, seconded by Member Manneh, motioned to find jurisdiction.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Wasburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

11. 10068 Hearing on complaint filed by Nick Pasquariello against the SF Municipal Transportation Agency for allegedly not providing him with documents related to the Clipper program.

Nick Pasquariello requested a one-month continuance. There was no objection.

12. 10069 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not providing him with a breakdown of the salaries and benefits of its employees.

**Member Knoebber, seconded by Member Manneh, motioned to find jurisdiction.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Wasburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

13. 10069 Hearing on complaint filed by William Clark against the Arts Commission for allegedly not providing him with a breakdown of the salaries and benefits of its employees.

**Heard:** William Clark gave an overview of his complaint. Julio Mattos represented the agency.

**Member Snyder, seconded by Member Knoebber, motioned to find the agency in violation of Sunshine Section(s) 67.21(b) by not responding within the given time frame, 67.21(c) by failing to assist the requestor, and 67.26 by not keeping withholding to a minimum.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

The matter was referred to the Compliance and Amendments Committee.

14. 10071 Determination of jurisdiction on complaint filed by Jason Grant Garza against the Haight Ashbury Free Clinics for not providing him with documents related to two visits he made in 2010.

**Member Knoebber, seconded by Member Manneh, motioned to find jurisdiction.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 8 - Snyder, Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 1 - Cauthen

Member Snyder asked to be excused for the rest of the evening.

15. 10071 Hearing on complaint filed by Jason Grant Garza against the Haight Ashbury Free Clinics for not providing him with documents related to two visits he made in 2010.

Jason Grant Garza presented his complaint and in the process continually attacked the Task Force verbally. The defense was represented but not identified.

**Chair Knee, after repeated admonishments, moved to have the matter tabled.**

The motion carried on the following vote:

Ayes: 7 - Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Cauthen

16. 10072 Determination of jurisdiction on complaint filed by Bruce McLellan against the Recreation and Park Department for allegedly not releasing the Stow Lake lease.

**Vice chair Wolfe, seconded by Member Johnson, motioned to find jurisdiction.**

Public Comment: None.

The motion carried on the following vote:

Ayes: 7 - Manneh, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Cauthen

17. 10072 Hearing on complaint filed by Bruce McLellan against the Recreation and Park Department for allegedly not releasing the Stow Lake lease.

**Heard:** Bruce McLellan gave an overview of his complaint. Nick Kinsley represented the department.

No motion was made.

Matter concluded.

18. Approval of January 4, 2011, special meeting minutes.

Moved to next agenda.

19. Approval of January 20, 2011, special meeting minutes.

Moved to next agenda.

20. Report: Complaint Committee meeting of January 11, 2011.

Moved to next agenda.

21. Report: Compliance and Amendments Committee meeting of January 11, 2011.

Moved to next agenda.

22. Report: Education, Outreach and Training Committee meeting of January 13, 2011.

Moved to next agenda.

23. Administrator's Report.

Moved to next agenda.

24. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.

Public Comment: Jason Grant Garza, Tomas Picarello, Debra Benedict, Peter Warfield, Ray Hartz, Anonymous Tenants and Charles Pitts spoke on various issues.

25. Announcements, comments, questions, and future agenda items from the Task Force members.

**Adjournment**

*There being no further business, the Task Force adjourned at the hour of 9:56 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>





January 17, 2011 - special

**SUNSHINE ORDINANCE TASK FORCE****SPECIAL MEETING****AGENDA**

Thursday, February 17, 2011

5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	(Vacant)
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

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Note: Public comment on items not listed on the agenda (Item # 3) will be taken at 6:00 p.m. or as soon thereafter as possible.

**Call to Order; Roll Call; Agenda Changes**

1. Discussion on whether (a) to continue the section-by-section changes to the proposed Sunshine Ordinance amendments, or (b) to focus on the half-dozen or so issues that the Task Force believes need the most immediate redress. (discussion and action item) (no attachment)

2. If the Task Force has opted for option (a) in Item #1: Consideration of amendments to Sunshine Ordinance Articles III and IV.

OR

If the Task Force has opted for option (b) in Item #1: Consideration of amendments to Sunshine Ordinance Article I and subsequent articles as time and quorum factors permit. (discussion and action item) (attachment)

3. Public Comment on items not listed on the agenda (no action) (no attachment)
4. Announcements, questions and future agenda items from Task Force members (discussion only) (no attachment)

**Adjournment****Next regularly scheduled meeting: Feb. 22, 2011.**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

### SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | Up to 5 minutes      |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | Up to 5 minutes      |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

- |  |                      |
|--|----------------------|
| 3. Matter is with the Task Force for discussion and questions.   |                      |
| 4. Respondent and Complainant presents clarification/rebuttal  | Up to 3 minutes      |
| 5. Matter is with the Task Force for motion and deliberation.  |                      |
| 6. Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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February 22, 2011

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, February 22, 2011  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1 David Snyder

Seat 2 Richard Knee (Chair)

Seat 3 Sue Cauthen

Seat 4 Suzanne Manneh

Seat 5 Allyson Washburn

Seat 6 James Knoebber

Seat 7 (Vacant)

Seat 8 Bruce Wolfe (Vice Chair)

Seat 9 Hanley Chan

Seat 10 Hope Johnson

Seat 11 (Vacant)

Ex-officio (Vacant)

Ex-officio (Vacant)

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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Special recognition to Marjorie Ann Williams for her community service as a member of the Sunshine Ordinance Task Force. (no attachment) (10 min)
2. Approval of July 21, 2010, special meeting minutes. (attachment) (action item) (5 min)
3. Approval of August 24, 2010, meeting minutes. (attachment) (action item) (5 min)
4. Approval of September 28, 2010, meeting minutes. (attachment) (action item) (5 min)
5. Approval of October 26, 2010, meeting minutes. (attachment) (action item) (5 min)
6. Approval of November 18, 2010, special meeting minutes. (attachment) (action item) (5 min)
7. Approval of November 30, 2010, meeting minutes. (attachment) (action item) (5 min)
8. Approval of January 4, 2011, special meeting minutes. (attachment) (action item) (5 min)
9. Approval of January 20, 2011, special meeting minutes. (attachment) (action item) (5 min)
10. Approval of January 25, 2011, regular meeting minutes. (attachment) (action item) (5 min)
11. 10063 The Compliance and Amendments Committee has referred to the Task Force a recommendation that #10063\_Debra Benedict v the Mayor's Office of Economic &

Workforce Development be forwarded to the Ethics Commission because of inaction on the Order of Determination. (attachment) (action item) (15 min)

12. 10069 The Compliance and Amendments Committee has referred to the Task Force a recommendation that #10069\_ William and Robert Clark v the Arts Commission be forwarded to the Ethics Commission because the Order of Determination was not met within the prescribed period. (attachment) (action item) (15 min)
13. 10068 Hearing on complaint filed by Nick Pasquariello against the SF Municipal Transportation Agency for allegedly not providing him with documents related to the Clipper program. (attachment) (action item) (30 min)
14. 10067 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to respond to an information request. (attachment) (action item) (5 min)
15. 10067 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to respond to an information request. (attachment) (action item) (30 min)
16. 10073 Determination of jurisdiction on complaint filed by Debra Benedict against Baker Places for allegedly failing to comply with Chapter 12L of the San Francisco Administrative Code. (attachment) (action item) (5 min)
17. 10073 Hearing on complaint filed by Debra Benedict against Baker Places for allegedly failing to comply with Chapter 12L of the San Francisco Administrative Code. (attachment) (action item) (30 min)
18. 10074 Determination of jurisdiction on complaint filed by William and Robert Clark against the Arts Commission for allegedly failing to comply with Section 67.21(b). (attachment) (action item) (5 min)
19. 10074 Hearing on complaint filed by William and Robert Clark against the Arts Commission for allegedly failing to comply with Section 67.21(b). (attachment) (action item) (30 min)
20. 10075 Determination of jurisdiction on complaint filed by Anonymous against the Department of Recreation and Park for allegedly not releasing public information related to a Recreation and Park Commission hearing. (attachment) (action item) (5 min)
21. 10075 Hearing on complaint filed by Anonymous against the Department of Recreation and Park for allegedly not releasing public information related to a Recreation and Park Commission hearing. (attachment) (action item) (30 min)
22. 11001 Determination of jurisdiction on complaint filed by William Clark against the City Attorney's Office for allegedly violating Section 67.21(b). (attachment) (action item) (5 min)
23. 11001 Hearing on complaint filed by William Clark against the City Attorney's Office for allegedly violating Section 67.21(b). (attachment) (action item) (30 min)
24. 11002 Determination of jurisdiction on complaint filed by William Clark against the City Attorney's Office for denying access to public records. (attachment) (action item) (5 min)
25. 11002 Hearing on complaint filed by William Clark against the City Attorney's Office for denying access to public records. (attachment) (action item) (30 min)
26. Proposal to draft memorandum urging the Board of Supervisors not to use the absence of state reimbursement as reason to halt the timely production and proper posting, per the Sunshine Ordinance, of agendas of meetings of the Board and its Committees. (15 minutes) (Discussion and possible action)
27. Report: Complaint Committee meeting of February 8, 2011. (discussion and possible action item) (attachment) (5 min)
28. Report: Compliance and Amendments Committee meeting of February 8, 2011. (discussion and possible action item) (attachment) (5 min)

29. Report: Education, Outreach and Training Committee meeting of February 10, 2011. (discussion and possible action item) (attachment) (5 min)
30. Administrator's Report. (discussion) ( attachment) (5 min)
31. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
32. Announcements, comments, questions, and future agenda items from the Task Force members. (no action) (no attachment) (5 min)

**Adjournment****Next regularly scheduled meeting: March 22, 2011.**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

**SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES**

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

3. Matter is with the Task Force for discussion and questions.
4. Respondent and Complainant presents clarification/rebuttal 3 minutes
5. Matter is with the Task Force for motion and deliberation.
6. Public comment (*Excluding Complainant & City response, witnesses*) Up to 3 minutes each
7. Vote by Task Force (*Public comment at discretion of chair on new motion and/or on new motion if vote fails.*)

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.



**Disability Access:** The hearing room is wheelchair accessible.

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**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

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February 22, 2011 (draft)

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
DRAFT MINUTES**

Tuesday, February 22, 2011  
4:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	(Vacant)
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)	Ex-officio	(Vacant)

**Call to Order** 4:00 P.M.

**Roll Call** Present: Knee, Cauthen, Washburn (in at 4:04), Knoebber, Wolfe, Chan, Johnson  
Excused: Snyder, Manneh

**Agenda Changes:** Item 26 heard before Item 1, and Item 31 heard after Item 11.

**Deputy City Attorney:** Jerry Threet  
**Clerk:** Chris Ruston

1. Special recognition to Marjorie Ann Williams for her community service as a member of the Sunshine Ordinance Task Force.

**Continued without objection to March 22, 2011.**

2. Approval of July 21, 2010, special meeting minutes.

**Vice-Chair Wolfe, seconded by Member Johnson, motioned to approve the minutes.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee  
Excused: 2 - Snyder, Manneh

3. Approval of August 24, 2010, meeting minutes.

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Vice-Chair Wolfe, seconded by Member Cauthen, motioned to approve the minutes.

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Manneh

Approval of September 28, 2010, meeting minutes.

**Continued without objection to March 22, 2010.**

Approval of October 26, 2010, meeting minutes.

**Continued without objection to March 22, 2010.**

Approval of November 18, 2010, special meeting minutes.

**Continued without objection to March 22, 2010.**

Approval of November 30, 2010, meeting minutes.

**Continued without objection to March 22, 2010.**

Approval of January 4, 2011, special meeting minutes.

**Continued without objection to March 22, 2010.**

Approval of January 20, 2011, special meeting minutes.

**Continued without objection to March 22, 2010.**

Approval of January 25, 2011, regular meeting minutes.

**Continued without objection to March 22, 2010.**

- 10063 The Compliance and Amendments Committee has referred to the Task Force a recommendation that #10063\_Debra Benedict v the Mayor's Office of Economic & Workforce Development be forwarded to the Ethics Commission because of inaction on the Order of Determination.

**Heard.** Debra Benedict provided a progress report. The Mayor's Office of Economic & Workforce Development was not represented. The Task Force discussed the respondent's request for continuance and denied it.

**Member Johnson, seconded by Member Washburn, motioned to have Matha Cohen and Myisha Hervey referred to the Ethics Commission for failure to meet the requirements of the Order of Determination.**

**Public Comment:** Allen Grossman, Jason Grant Garza and Charles Pitts spoke in favor.

**The motion carried on the following vote:**

Ayes: 6 - Cauthen, Washburn, Knoebber, Chan, Johnson, Knee

Noes: 1 - Wolfe

Excused: 2 - Snyder, Manneh

- 10069 The Compliance and Amendments Committee has referred to the Task Force a recommendation that #10069\_William and Robert Clark v the Arts Commission be forwarded to the Ethics Commission because the Order of Determination was not met within the prescribed period.

**Member Knoebber, seconded by Member Johnson, motioned to have the Arts Commission referred to the Ethics Commission for failure to meet the requirements of the Order of Determination within the prescribed period.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Knoebber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Manneh

- 10068 Hearing on complaint filed by Nick Pasquariello against the SF Municipal Transportation Agency for allegedly not providing him with documents related to the Clipper program.

Withdrawn.

14. 10067 Determination of jurisdiction on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to respond to an information request.

**Member Knobber, seconded by Member Cauthen, motioned to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Washburn, Knobber, Wolfe, Chan, Johnson, Cauthen, Knee

Excused: 2 - Snyder, Manneh

15. 10067 Hearing on complaint filed by Charles Pitts against the Local Homeless Coordinating Board for allegedly failing to respond to an information request.

**Member Cauthen, seconded by Member Knobber, motioned to find the Local Homeless Coordinating Board, through Ali Schlageter, in violation of Section 67.25(a) for not responding the Immediate Disclosure Request before the end of the next business day, Section 67.21(e) for not sending a knowledgeable person the hearing, and 67.16 because the draft minutes was not available 10 days after the meeting.**

Public Comment: None

**The motion carried on the following vote:**

Ayes: 7 - Washburn, Knobber, Wolfe, Chan, Johnson, Cauthen, Knee

Excused: 2 - Snyder, Manneh

The matter was referred to the Education, Outreach and Training Committee.

16. 10073 Determination of jurisdiction on complaint filed by Debra Benedict against Baker Places for allegedly failing to comply with Chapter 12L of the San Francisco Administrative Code.

**Member Cauthen, seconded by Member Washburn, motioned to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Washburn, Knobber, Wolfe, Chan, Johnson, Cauthen, Knee

Excused: 2 - Snyder, Manneh

17. 10073 Hearing on complaint filed by Debra Benedict against Baker Places for allegedly failing to comply with Chapter 12L of the San Francisco Administrative Code.

Heard: Complainant Debra Benedict presented her case. Respondent Baker Places was not represented. Nobody in the audience presented facts or evidence in support of the respondent.

**Member Knobber, seconded by Member Johnson, motioned to find Baker Places in violation of Administrative Code Chapter 12L.4(a)(1) for not holding public meetings.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Washburn, Knobber, Wolfe, Chan, Johnson, Cauthen, Knee

Excused: 2 - Snyder, Manneh

The matter was referred to the Education, Outreach and Training Committee.

18. 10074 Determination of jurisdiction on complaint filed by William and Robert Clark against the Arts Commission for allegedly failing to comply with Section 67.21(b).

**Member Knobber, seconded by Member Cauthen, motioned to find jurisdiction.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Knobber, Wolfe, Chan, Johnson, Knee

Excused: 2 - Snyder, Manneh

19. 10074 Hearing on complaint filed by William and Robert Clark against the Arts Commission for allegedly failing to comply with Section 67.21(b).

Heard: Complainant William Clark presented his case. Respondent Julio Matos spoke on behalf of the Arts Commission.

**Member Knobber, seconded by Vice Chair Wolfe, motioned to find the Arts Commission in**

violation of Section 67.27(a) for not justifying the withholding, Section 67.21(c) for not sending a knowledgeable person to the hearing, Section 67.21(c) for not assisting the requestor in identifying the existence, form and nature of the information or record, and Section 67.22 for not providing oral information on how the 5% figure was determined.

**Public Comment:** A female spoke in Favor of the Complainant.

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Knobber, Wolfe, Chan, Johnson, Knee  
Excused: 2 - Snyder, Manneh

The matter was forwarded to the Compliance and Amendments Committee.

20. 10075 Determination of jurisdiction on complaint filed by Anonymous against the Department of Recreation and Park for allegedly not releasing public information related to a Recreation and Park Commission hearing.

**Vice Chair Wolfe, seconded by Member Knobber, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Knobber, Wolfe, Chan, Johnson, Knee  
Excused: 2 - Snyder, Manneh

21. 10075 Hearing on complaint filed by Anonymous against the Department of Recreation and Park for allegedly not releasing public information related to a Recreation and Park Commission hearing.

**Tabled.**

22. 11001 Determination of jurisdiction on complaint filed by William Clark against the City Attorney's Office for allegedly violating Section 67.21(b).

**Member Knobber, seconded by Member Cauthen, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Knobber, Wolfe, Chan, Johnson, Knee  
Excused: 2 - Snyder, Manneh

23. 11001 Hearing on complaint filed by William Clark against the City Attorney's Office for allegedly violating Section 67.21(b).

**Heard:** Complainant William Clark presented his case. The City Attorney's Office was not represented. Nobody in the audience presented facts or evidence in support of the respondent.

**Member Johnson, seconded by Vice Chair Wolfe, motioned to find the City Attorney's Office in violation of Section 67.26 for not providing the names of the cases that were worked on, and Section 67.21(b) for not providing the information in a timely manner.**

**Public Comment:** Robert Clark spoke in favor.

**The motion carried on the following vote:**

Ayes: 7 - Washburn, Knobber, Wolfe, Chan, Johnson, Cauthen, Knee  
Excused: 2 - Snyder, Manneh

The matter was referred to the Education, Outreach and Training Committee.

24. 11002 Determination of jurisdiction on complaint filed by William Clark against the City Attorney's Office for denying access to public records.

**Vice Chair Wolfe, seconded by Member Knobber, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Knobber, Wolfe, Chan, Johnson, Knee  
Excused: 2 - Snyder, Manneh

25. 11002 Hearing on complaint filed by William Clark against the City Attorney's Office for denying access to public records.

**Heard:** Complainant William Clark presented his case. The City Attorney's Office was not represented. Nobody in the audience presented facts or evidence in support of the respondent.

Vice Chair Wolfe, seconded by Member Washburn, motioned to find the City Attorney's Office in violation of Sunshine Ordinance Section 67.21(i) for providing the Arts Commission with legal advice concerning Sunshine matters, and Section 67.21(c) for not sending a knowledgeable representative to the hearing.

Public Comment: Robert Clark spoke in support.

**The motion carried on the following vote:**

Ayes: 7 - Washburn, Knoebber, Wolfe, Chan, Johnson, Cauthen, Knee

Excused: 2 - Snyder, Manneh

Task Force Chair Knee referred the matter to the Education, Outreach and Training Committee. The Task Force also instructed Chair Knee to write a letter to Mr. Howard Lazar of the Arts Commission and inform him that printing a document is not akin to creating a document and that the printing, per Sunshine, was called producing a document.

26. Proposal to draft memorandum urging the Board of Supervisors not to use the absence of state reimbursement as reason to halt the timely production and proper posting, per the Sunshine Ordinance, of agendas of meetings of the Board and its Committees.

After discussion, Chair Knee agreed to write to the Clerk of the Board of Supervisors and express the Task Force's concern.

27. Report: Complaint Committee meeting of February 8, 2011.

Committee Chair James Knoebber made the report.

28. Report: Compliance and Amendments Committee meeting of February 8, 2011.

Committee Chair Allyson Washburn made the report

29. Report: Education, Outreach and Training Committee meeting of February 10, 2011.

Committee Chair Hanley Chan made the report.

30. Administrator's Report.

Mr. Rustom made the report.

31. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.

Jason Grant Garza, Allen Grossman and Charles Pitts spoke on various topics.

32. Announcements, comments, questions, and future agenda items from Task Force members.

None.

#### Adjournment

*There being no further business, the Task Force adjourned at the hour of 8:24 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>



**March 17, 2011 - special**

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Thursday, March 17, 2011  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	(Vacant)*
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	(Vacant)*	Ex-officio	(Vacant)

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Note: Public comment on items not listed on the agenda (Item # 2) will be taken at 6:00 p.m. or as soon thereafter as possible.

**Call to Order; Roll Call; Agenda Changes**

1. Consideration of amendments to Sunshine Ordinance. (discussion and action item) (attachment)
2. Public Comment on items not listed on the agenda (no action) (no attachment)
3. Announcements, questions and future agenda items from Task Force members (discussion only) (no attachment)

**Adjournment**

**Next regularly scheduled meeting: March. 22, 2011.**

\*Seat may be filled by Board of Supervisors action and the new member sworn in by the start of this meeting.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244



**SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES**

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- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | Up to 5 minutes      |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | Up to 5 minutes      |
|    | Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | Up to 3 minutes      |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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March 17, 2011 (draft)

# SUNSHINE ORDINANCE TASK FORCE SPECIAL MEETING DRAFT MINUTES

Tuesday, March 17, 2011  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

**Call to Order** 5:06 P.M.

**Roll Call** Present: Knee, Washburn, Costa, Wolfe, Chan (in at 5:18 p.m.), Johnson, West (left at 6:00 p.m.)  
Excused: Cauthen, Manneh  
Absent: Snyder, Knoebber,

**Agenda Changes:** None

**Deputy City Attorney:** Jerry Threat  
**Clerk:** Chris Rustom

1.

Consideration of amendments to Sunshine Ordinance.

Chair Knee explained the process to newly appointed Member Costa and Member West. He then drew up a list of sections from the Ordinance that members said needed their immediate attention. It included, name change, subpoena power, respondents' attendance at meetings, broadcast requirements, document storage, electronic records reformatting, meeting minutes, paper to electronic reproduction, hiring an outside attorney, scope of RFQs, RFIs, RFPs, overall definitions and other proposed amendments.

Public Comment: Tomas Picarello agreed with the selection.

On name change, The Task Force agreed to change its name to Sunshine Commission.

Public Comment: Tomas Picarello spoke in support.

On subpoena power, the Task Force agreed to amend Section 67.30(d) to read: The Sunshine Ordinance Commission is authorized to (1) issue subpoenas to compel testimony and evidence from parties-in-interest

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to and persons with knowledge regarding complaints filed with the Commission, and (2) place under oath, during testimony, any party-in-interest to and any person claiming knowledge regarding a complaint filed with the Commission.

**Public Comment:** Tomas Picarello spoke in favor but wanted to know the process involved in issuing a subpoena.

On the lack of respondents attending meetings, the Task force decided:  
 - to add a new section to Article II.

#### Sec. 67.18 PUBLIC MEETING COMPLAINTS, HEARINGS

Where requested by petition, the Sunshine Ordinance Task Force may conduct a public hearing into a complaint that a policy body, an advisory body or a passive meeting body violated any of the foregoing sections in Article II of this Ordinance or any provision in the Ralph M. Brown Act that apply to the specific body. An authorized representative of that body shall attend every hearing on the matter and explain the basis for the body's conduct therein.

- To add proposed language in Sec 67.39(c) as Sec. 67.21(f) and to renumber subsections.

(f) An authorized representative of the respondent employee, official, department, agency, policy body, or custodian of public record who has personal knowledge of the matters alleged in the complaint shall attend each Commission hearing and Commission committee hearing to explain the response to the request for access to public meetings or public information, as well as provide a detailed description of the records search conducted, and the statutory or case law basis for any decision to withhold or redact the records requested, or to bar public attendance at and/or participation in the meeting(s), as applicable.

**Public Comment:** None.

On broadcast requirements, add subsection (f) to Sec 67.13 to say:

(f) Boards and Commissions and other bodies subject to the Sunshine Ordinance shall, within six months of the enactment of this Ordinance, broadcast all meetings held in City Hall on the San Francisco Government TV channel (or its successor) or the City's website via real-time audio streaming and/ or real-time audio/video streaming. All other policy bodies are encouraged to broadcast their meetings similarly as feasible.

**Public Comment:** Tomas Picarello said the Task Force should meet in a room in which cameras are already installed.

On document storage, Member Wolfe and Member Costa are to submit suggested language by April 14, 2011, for discussion at the April 21, 2011, meeting.

**Public Comment:** None.

On electronic records reformatting, members changed Sec. 67.21(f) to read:

Members of the public have the right to view and receive searchable copies of electronic documents in any format in which the documents were produced or used in the conduct of the City's business. Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department, its officers or employees, including disk, tape, printout or monitor at a charge no greater than the cost of the media on which it is duplicated. Metadata contained in an electronic document are officially deemed part of the public record and shall be treated as such: when such metadata include both disclosable and non-disclosable portions, the entity responding to an electronic record request shall edit out the non-disclosable portion(s) and shall include the disclosable portion(s) in the record provided to the requester unless such editing is provably impossible. Inspection of documentary public information on a computer monitor need not be allowed where the information sought is necessarily and inseparably intertwined with information not subject to disclosure under this Ordinance. Nothing in this section shall require a department to program or reprogram a computer to respond to a request for information or to release information where the release of that information would violate a licensing agreement or copyright law."

**Public Comment:** Tomas Picarello said to keep the language simple because if it gets too technical voters may not like it and vote it down.

Meeting recessed at 7:01 p.m. for 8 minutes.

On paper to electronic reproduction, Sec. 67.21(k) to read as stated below and the subsections to be renumbered.

(k) When responding to Sunshine Ordinance or public record requests, every department and policy body shall, if requested, and if necessary technology and equipment are available, convert documents that are otherwise only available in hard copy/paper form into a searchable electronic format. Any document converted into an unsearchable format shall be reconverted upon request to be searchable. The electronic format shall, as reasonably practicable, be searchable and electronically achievable for delivery via electronic mail or other electronic means, and posting on the department or policy body's website as appropriate.

**Public Comment:** None.

On meeting minutes, Chair Knee asked the clerk to seek the opinions of Clerk of the Board Angela Calvillo, Legislative Deputy Director Rick Caldeira and Committee Clerks within the Clerk's Office.

They then amended Sec. 67.16 to state: The clerk or secretary of each City policy and advisory body shall record the minutes for each regular and special meeting of the body. The minutes shall state the time the meeting was called to order, the names of the members attending the meeting, the roll call vote on each matter considered at the meeting, the time the body began and ended any closed session, the names of the members and the names, and titles where applicable, of any other persons attending any closed session, a list of those members of the public who spoke on each matter if the speakers identified themselves, whether such speakers supported or opposed the matter, a brief summary of each person's statement during the public comment period for each agenda item, and the time the meeting was adjourned. The minutes shall also list the time that discussion of each matter started, and shall include a summary of the position statements that members make on each matter considered at the meeting. Any person speaking during a public comment period may supply a brief written summary of their comments which shall, if no more than 150 words, be included in the body of the minutes. If those comments pertain to a matter that has been discussed at the meeting, they shall be placed in the section of the minutes dealing with that item.

Public Comment: Tomas Picarello said video broadcast of Task Force meetings are needed if only action minutes are to be taken.

Public Comment on items not listed on the agenda.

2.

Public Comment: Tomas Picarello welcomed Member Costa and reminded him of his duties. He also said the Task Force should have discussed Ordinance 318-10 (Administrative Code: Publication Requirements) before it was considered and signed into law.

3.

Announcements, questions and future agenda items from Task Force members.

#### Adjournment

*There being no further business, the Task Force adjourned at the hour of 7:52 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>



March 22, 2011

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, March 22, 2011  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Special recognition to Marjorie Ann Williams for her community service as a member of the Sunshine Ordinance Task Force. (no attachment) (10 min)
2. Approval of January 4, 2011, special meeting minutes. (attachment) (action item) (5 min)
3. Approval of January 20, 2011, special meeting minutes. (attachment) (action item) (5 min)
4. Approval of January 25, 2011, regular meeting minutes. (attachment) (action item) (5 min)
5. Approval of February 17, 2011, special meeting minutes. (attachment) (action item) (5 min)
6. Approval of February 22, 2011, regular meeting minutes. (attachment) (action item) (5 min)
7. 10036 The Education, Outreach and Training Committee has, without recommendation,



- referred 10036\_Tomas Picarello against the SRO Task Force back to the Sunshine Ordinance Task Force for further proceedings because the Order of Determination was issued against a now defunct administration. (attachment) (action item) (45 min)
8. 10054 Hearing on the status of the January 25, 2011, Order of Determination in 10054\_Ray Hartz v Library Commission. (attachment) (action item) (45 min)
  9. 10059 The Compliance and Amendments Committee has referred #10059\_Dorian Maxwell against the SF Municipal Transportation Agency back to the Task Force with a recommendation that MTA Director of Bus Operations David Hill be found in violation of Section 67.33 for failure to instruct MTA employees under his leadership on Sunshine requirements and that the matter be forwarded to the Ethics Commission. (attachment) (action item) (45 min)
  10. 10074 The Compliance and Amendments Committee has referred 10074\_William J Clark and Robert J Clark against the Arts Commission back to the Task Force with a recommendation that it be referred to the Ethics Commission for non compliance with the Order of Determination. (attachment) (action item) (45 min)
  11. 10075 Hearing on complaint filed by Anonymous against the Department of Recreation and Park for allegedly not releasing public information related to a Recreation and Park Commission hearing. (attachment) (action item) (45 min)
  12. 11003 Determination of jurisdiction on complaint filed by Matt Smith against the District Attorney's Office for allegedly refusing to release files related to an investigation. (action) (attachment) (5 min)
  13. 11003 Hearing on complaint filed by Matt Smith against the District Attorney's Office for allegedly refusing to release files related to an investigation. (action) (attachment) (45 min)
  14. 11005 Determination of jurisdiction on complaint filed by Mary Miles against the Planning Commission for allegedly refusing to respond to an Immediate Disclosure Request. (action) (attachment) (5 min)
  15. 11005 Hearing on complaint filed by Mary Miles against the Planning Commission for allegedly refusing to respond to an Immediate Disclosure Request. (action) (attachment) (45 min)
  16. 11006 Determination of jurisdiction on complaint filed by Mary Miles against the SF Municipal Transportation Agency for allegedly refusing to respond to a public records request. (action) (attachment) (5 min)
  17. 11006 Hearing on complaint filed by Mary Miles against the SF Municipal Transportation Agency for allegedly refusing to respond to a public records request. (action) (attachment) (45 min)
  18. 11007 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request. (action) (attachment) (5 min)
  19. 11007 Hearing on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request. (action) (attachment) (45 min)
  20. 11008 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request. (action) (attachment) (5 min)
  21. 11008 Hearing on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request. (action) (attachment) (45 min)
  22. Report: Complaint Committee meeting of March 8, 2011. (discussion and possible action item) (attachment) (5 min)
  23. Report: Compliance and Amendments Committee meeting of March 8, 2011. (discussion and possible action item) (attachment) (5 min)

24. Report: Education, Outreach and Training Committee meeting of March 10, 2011. (discussion and possible action item) (attachment) (5 min)
25. Report: Rules Committee meeting of March 10, 2011. (discussion and possible action item) (attachment) (5 min)
26. Administrator's Report. (discussion) ( attachment) (5 min)
27. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
28. Announcements, comments, questions, and future agenda items from the Task Force members. (no action) (no attachment) (5 min)

**Adjournment  
2011.**

**Next regularly scheduled meeting: April 26,**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

#### **SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES**

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

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- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

3. Matter is with the Task Force for discussion and questions.
4. Respondent and Complainant presents clarification/rebuttal 3 minutes
5. Matter is with the Task Force for motion and deliberation.
6. Public comment (*Excluding Complainant & City response, witnesses*) Up to 3 minutes each
7. Vote by Task Force (*Public comment at discretion of chair on new motion and/or on new motion if vote fails.*)

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

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## Disclaimers

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March 22, 2011 (draft)

SUNSHINE ORDINANCE TASK FORCE  
 REGULAR MEETING  
 DRAFT MINUTES  
 Tuesday, March 22, 2011  
 4:00 p.m., City Hall, Room 406

## Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Kneec (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

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Call to Order 4:00 P.M.

Roll Call Present: Kneec, Cauthen (left at 9:45), Washburn (in at 4:27), Knoebber, Wolfe (in at 4:12), Chan (in at 5:05, left at 9:45), Johnson  
 Absent: Snyder, West

Agenda Changes: Item

Deputy City Attorney: Jerry Threet

Clerk: Chris Rustom

1.

Special recognition to Marjorie Ann Williams for her community service as a member of the Sunshine Ordinance Task Force.

Members praised Ms. Williams for her dedication to open government.

Ms. Williams said not to count her out because she would return someday.

Public Comment: Ray Hartz and Tomas Picarello....

2.

**Approval of January 4, 2011, special meeting minutes.**

Continued to the next regularly scheduled meeting on April 26, 2011.

3.

Approval of January 20, 2011, special meeting minutes.

Continued to the next regularly scheduled meeting on April 26, 2011.

4.

Approval of January 25, 2011, regular meeting minutes.

Continued to the next regularly scheduled meeting on April 26, 2011.

5. Approval of February 17, 2011, special meeting minutes.
- Continued to the next regularly scheduled meeting on April 26, 2011.
6. Approval of February 22, 2011, regular meeting minutes.
- Continued to the next regularly scheduled meeting on April 26, 2011.
7. 10036 The Education, Outreach and Training Committee has, without recommendation, referred 10036\_Tomas Picarello against the SRO Task Force back to the Sunshine Ordinance Task Force for further proceedings because the Order of Determination was issued against a now defunct administration.  
0:0:14  
**Heard:** Complainant Tomas Picarello recounted his complaint and outcome. The respondent was not represented. No one spoke or presented facts on behalf of the respondent.
- Member Johnson, seconded by Vice Chair Wolfe, motioned to have former SRO Task Force Chair Ann Kronenberg referred to the Ethics Commission for violating Section 67.21(c) by not sending a knowledgeable person to the meeting.**
- Public Comment:** Kim Crossman, Allen Grossman, Ray Hartz spoke in favor.
- The motion carried on the following vote.**
- Ayes: 7 - Cauthen, Manneh, Knoebber, Costa, Wolfe, Johnson, Knee
  - Absent: 2 - Snyder, West, Washburn
  - Excused: 1 - Chan
8. 10054 Hearing on the status of the January 25, 2011, Order of Determination in 10054\_Ray Hartz v Library Commission.
- Heard:** Complainant Ray Hart presented his case. Respondent Susan Blackman from the Library Commission presented her response.
- Member Knoebber motioned to have the matter forwarded to the Ethics Commission. The motion failed for lack of a second.
- Public Comment:** Kim Crossman, Allen Grossman, Tomas Picarello, Chris Coghlan spoke on different topics.
- Chair Knee forwarded the matter to the Education, Outreach and Training Committee.
9. 10059 The Compliance and Amendments Committee has referred # 10059\_ Dorian Maxwell against the SF Municipal Transportation Agency back to the Task Force with a recommendation that MTA Director of Bus Operations David Hill be found in violation of Section 67.33 for failure to instruct MTA employees under his leadership on Sunshine requirements and that the matter be forwarded to the Ethics Commission.
- Complainant Dorian Maxwell presented the Task Force with a status report. The SF Municipal Transportation Agency was not represented.
- Member Washburn, seconded by Member Johnson, motioned to refer SFMTA Employee Labor Relations Manager Rumi Uno to the Ethics Commission for violating Section 67.34 for willful failure to comply with the Order of Determination, Section 67.25 by failing to respond in a timely manner, Section 67.26 for not keeping withholding to a minimum, Section 67.27 for failing to provide justification for withholding and California Public Records Act 6254(c) because Mr. Maxwell's was asking for his own personnel file and therefore could not have invaded his privacy..**
- Public Comment:** Kim Crossman said violation of Sec. 67.34 was crucial if the Task Force wanted reaction from the Ethics Commission. David Pilpel said the motion does not match the description on the agenda. Tomas Picarello said the availability of detailed minutes would have helped in this complex case.
- Member Washburn, seconded by Member Johnson, motioned to amend her motion to include a violation of Section 67.34 for willful failure to comply with the Order of Determination.**
- Without objection and on the advice of DCA Threet, Chair Knee, declared the matter, for procedural reasons and in order to comply with the Sunshine Ordinance and the Brown Act, continued to the next regular scheduled meeting on April 26, 2011.
- Member Washburn, seconded by Member Costa, motioned to continue David Hill's Ethics Commission referral to the next regular scheduled meeting on April 26, 2011.**

**Public Comment:** None

The motion passed by the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
- Absent: 2 - Snyder, West, Washburn

10. 10074 The Compliance and Amendments Committee has referred 10074. William J Clark and Robert J Clark against the Arts Commission back to the Task Force with a recommendation that it be referred to the Ethics Commission for non compliance with the Order of Determination.

Complainant William Clark and Respondent Julio Mattos of the Arts Commission provided an update.

**Member Washburn, seconded by Vice Chair Wolfe, motioned to send the matter to the Board of Supervisors.**

**Member Knoebber, seconded by Member Johnson, made a substitute motion to find Howard Lazar of the Arts Commission in violation of Section 67.21(e) by failing continuously to send a knowledgeable representative to the meetings and to have the matter forwarded to the Ethics Commission.**

**Public Comment:** Tomas Picarello said other enforcement agency should be pursued because the Ethics Commission always overrules the Task Force.

- Ayes: 8 - Cauthen, Manneh, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
- Noes: 1 - Washburn
- Absent: 2 - Snyder, West

11. 10075 Hearing on complaint filed by Anonymous against the Department of Recreation and Park for allegedly not releasing public information related to a Recreation and Park Commission hearing.

The Complainant and the Respondent were not present. No one in the audience presented facts or evidence for the two parties.

**Chair Knee said the matter is tabled until it is refilled by the Complainant.**

12. 11003 Determination of jurisdiction on complaint filed by Matt Smith against the District Attorney's Office for allegedly refusing to release files related to an investigation.

Continued to next regular scheduled meeting on April 26, 2011.

13. 11003 Hearing on complaint filed by Matt Smith against the District Attorney's Office for allegedly refusing to release files related to an investigation.

Continued to next regular scheduled meeting on April 26, 2011.

14. 11005 Determination of jurisdiction on complaint filed by Mary Miles against the Planning Commission for allegedly refusing to respond to an Immediate Disclosure Request.

**Member Knoebber, seconded by Vice Chair Wolfe, motioned to find jurisdiction.**

**Public Comment:** None.

The motion passed on the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
- Absent: 2 - Snyder, West

15. 11005 Hearing on complaint filed by Mary Miles against the Planning Commission for allegedly refusing to respond to an Immediate Disclosure Request.

Complainant Mary Miles presented her claim. The Planning Commission was not represented.

**Member Knoebber, seconded by Vice Chair Wolfe, motioned to find the Planning Commission in violation of Section 67.16 for not providing the minutes within the required 10 days, Section 67.25(a) for not providing a reason for the delay, and 67.21(e) for not sending a knowledgeable person to the hearing.**

**Public Comment:** None.

The motion passed on the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knece
- Absent: 2 - Snyder, West

Matter referred to Education, Outreach and Training Committee.

16. 11006 Determination of jurisdiction on complaint filed by Mary Miles against the SF Municipal Transportation Agency for allegedly refusing to respond to a public records request.

**Member Knoebber, seconded by Vice Chair Wolfe, motioned to find jurisdiction.**

**Public Comment:** None.

The motion passed on the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knece
- Absent: 2 - Snyder, West

17. 11006 Hearing on complaint filed by Mary Miles against the SF Municipal Transportation Agency for allegedly refusing to respond to a public records request.

Complainant Mary Miles presented her claim. The Municipal Transportation Agency was not represented.

**Vice Chair Wolfe, seconded by Member Cauthen, motioned to have the SF Municipal Transportation Agency referred to the Ethics Commission, District Attorney and State Attorney General. Nathaniel Ford was named as the responsible party. A copy of the referral is to be sent to the Board of Supervisors.**

**Public Comment:** None.

The motion passed on the following vote.

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knece
- Absent: 2 - Snyder, West

18. 11007 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request.

**Member Knoebber, seconded by Member Cauthen, motioned to find jurisdiction.**

**Public Comment:** None.

The motion passed on the following vote.

- Ayes: 8 - Cauthen, Manneh, Washburn, Knoebber, Costa, Chan, Johnson, Knece
- Absent: 2 - Snyder, West
- Excused: 1 - Wolfe

19. 11007 Hearing on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request.

**Heard:** William Clark presented his claim. The Arts Commission was represented by Julio Mattos.

**Member Knoebber, seconded by Vice Chair Wolfe, motioned the find Luis Caneel of the Arts Commission be referred to the Ethics Commission for violating Section 67.16 of the Sunshine Ordinance for not having the January. 25 Arts Commission draft minutes ready for inspection, Section 67.25 for not responding in a timely manner to the request for the Management Team draft minutes and Section 67.21(e) for not sending a knowledgeable representative to the hearings.**

**Public Comment:** David Pilpel said the Task Force should talk to Mr. Caneel about naming a point person for Sunshine requests.

**The motion passed on the following vote.**

- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knece
- Absent: 2 - Snyder, West

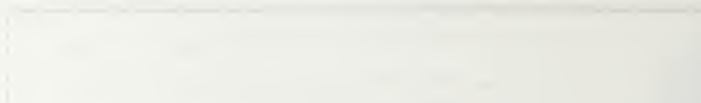
20. 11008 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request.
- Member Knoebber, seconded by Member Manneh, motioned to find jurisdiction.**
- Public Comment:** None.
- The motion passed on the following vote.**
- Ayes: 9 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, Knee
  - Absent: 2 - Snyder, West
21. 11008 Hearing on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request.
- Heard:** William Clark presented his claim. The Arts Commission was represented by Julio Matios.
- Public Comment:** Amanda Nordquist said the audio is recorded on a cassette tape and then transferred to a computer for later use, and that listening to tapes behind closed doors was standard practice, .
- Item continued to the next regularly scheduled meeting on April 26, 2011.**
22. Report: Complaint Committee meeting of March 8, 2011.
- Complaint Committee Chair Knoebber made the report.
23. Report: Compliance and Amendments Committee meeting of March 8, 2011.
- Compliance and Amendments Committee Chair Washburn made the report.
24. Report: Education, Outreach and Training Committee meeting of March 10, 2011.
- Education, Outreach and Training Committee Chair Chan made the report.
25. Report: Rules Committee meeting of March 10, 2011.
- Rules Committee Chair Wolfe made the report.
26. Administrator's Report.
- Mr. Rustom made the report.
27. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.
- Robert Clark, Jason Grant Garza, Ray Hartz, William Clark, Allen Grossman, Kim Crossman, Tomas Picarello and Peter Warfield spoke on different topics.
28. Announcements, comments, questions, and future agenda items from the Task Force members.
- Member Knoebber said he would be out of the country in April.

#### Adjournment

*There being no further business, the Task Force adjourned at the hour of 10:07 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>





April 21, 2011 - special

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Thursday, April 21, 2011  
4:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Mannenh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

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Note: Public comment on items not listed on the agenda (Item # 9) will be taken at 5:00 p.m. or as soon thereafter as possible.

**Call to Order; Roll Call; Agenda Changes**

1. Possible response to Ethics Commission staff ruling on Task Force Case #09042, Peter Warfield vs. San Francisco Public Library. (discussion and possible action) (20 minutes)
2. 11010 Determination on jurisdiction on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his December 22, 2010, Immediate Disclosure Request. (action) (attachment) (5 min).
3. 11010 Hearing on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his December 22, 2010, Immediate Disclosure Request. (action) (attachment) (45 min).
4. 11011 Determination on jurisdiction on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 12, 2011, Immediate Disclosure Request. (action) (attachment) (5 min).
5. 11011 Hearing on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 12, 2011, Immediate Disclosure Request. (action) (attachment) (45 min).
6. 11012 Determination on jurisdiction on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 21, 2011, Immediate Disclosure Request. (action) (attachment) (5 min).

7. 11012 Hearing on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 21, 2011, Immediate Disclosure Requests. (action) (attachment) (45 min).
8. Consideration of amendments to Sunshine Ordinance. (discussion and action item) (attachment) (90 min)
9. Public Comment on items not listed on the agenda (no action) (no attachment) (15 min)
10. Announcements, questions and future agenda items from Task Force members (discussion only) (no attachment) (15 min)

**Adjournment  
2011.**

**Next regularly scheduled meeting: April. 26,**

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- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | Up to 5 minutes      |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | Up to 5 minutes      |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

3. Matter is with the Task Force for discussion and questions.
4. Respondent and Complainant presents clarification/rebuttal Up to 3 minutes
5. Matter is with the Task Force for motion and deliberation.
6. Public comment (*Excluding Complainant & City response, witnesses*) Up to 3 minutes each
7. Vote by Task Force (*Public comment at discretion of chair on new motion and/or on new motion if vote fails.*)

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count

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## April 21, 2011 - special (draft)

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
DRAFT MINUTES**

Tuesday, April 21, 2011  
4:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Kneec (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
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Seat 7	Jay Costa	Ex-officio	(Vacant)

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**Call to Order** 4:08 P.M.

**Roll Call** Present: Snyder leaves at 7:12 pm), Kneec, Cauthen (leaves at 5:52 pm), Manneh (leaves at 6:43 pm), Costa, Wolfe, Johnson (arrives at 5:15 pm), West  
Excused: Washburn, Knoebber, Chan

**Agenda Changes:** Item 9 heard before Item 8.**Deputy City Attorney:** Jerry Threet**Clerk:** Chris Rustom

1. Possible response to Ethics Commission staff ruling on Task Force Case #09042, Peter Warfield vs. San Francisco Public Library.

**Heard:** Members discussed the ruling and spoke in favor of Chair Kneec's draft response.

**Public Comment:** Peter Warfield wanted discussion on the item delayed because he said it needed proper discussion. Ray Hartz said the intention of the letter is to put the Task Force of its authority. Jason Grant Garza said the Task Force needs to do the right thing. Tomas Picarello said the letter from the Ethics Commission is one example of why the Task Force's Order of Determination is not enforced.

After further discussion among members, the item was tabled to the end of the meeting.

Members returned to discuss the topic after Item 8 and continued it to discuss it at the May 5 special meeting.

1. 11010 Determination on jurisdiction on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his December 22, 2010.  
  
On prior advice from DCA Threet, Chair Knee, without objection, combined files 11010, 11011 and 11012.  
  
**Vice Chair Wolfe, seconded by Member Manneh, motioned to find jurisdiction on files 11010, 11011 and 11012.**  
  
**Public Comment:** None.  
  
**The motion carried on the following vote:**  
Ayes: 7 - Snyder, Cauthen, Manneh, Costa, Wolfe, West, Knee  
Excused: 4 - Washburn, Knoebber, Chan, Johnson
1. 11010 Hearing on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his December 22, 2010, Immediate Disclosure Request.  
  
**Heard:** Jason Grant Garza was against combining the files because the alleged violations occurred over three different time periods. Ray Hartz said combining the files without Mr. Garza's permission was disrespectful to the complainant and the public. Dr. Vika Eisen, Chief Executive Officer of the Haight-Ashbury Free Clinics Incorporated, said she had emailed Mr. Garza the documents that he requested and had also brought copies to the meeting. She then handed the documents to Mr. Garza, who refused to accept it.  
  
**Member Cauthen, seconded by Member Manneh, motioned to have the Haight-Ashbury Free Clinic in violation of Sunshine Ordinance Section 67.25 for not responding to the Immediate Disclosure Requests in a timely manner.**  
  
**Public Comment:** Tomas Picarello spoke in favor of Chair Knee's move to consolidate the cases.  
  
**The motion carried on the following vote:**  
Ayes: 7 - Snyder, Cauthen, Manneh, Costa, Wolfe, West, Knee  
Excused: 4 - Washburn, Knoebber, Chan, Johnson  
  
The matter was forwarded to the Education, Outreach and Training Committee.
1. 11011 Determination on jurisdiction on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 12, 2011, Immediate Disclosure Request.  
  
Combined with 11010 and 11012.
1. 11011 Hearing on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 12, 2011, Immediate Disclosure Request.  
  
Combined with 11010 and 11012.
1. 11012 Determination on jurisdiction on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 21, 2011, Immediate Disclosure Request.  
  
Combined with 11010 and 11011.
1. 11012 Hearing on complaint filed by Jason Grant Garza against the Haight-Ashbury Free Clinic for allegedly not responding to his January 21, 2011, Immediate Disclosure Requests.  
  
Combined with 11010 and 11011.
1. Consideration of amendments to Sunshine Ordinance.  
  
Members discussed the remaining five of the 11 topics the Task Force believed needed the most attention.  
  
On electronic document storage, Vice Chair Wolfe and Member Costa continue to draft language.  
  
On outside counsel, members agree to move forward with the proposal, but language is yet to be drafted.  
  
**Public Comment:** Tomas Picarello said outside counsel is needed if there was a conflict of interest in a matter before the Task Force. Ray Hartz said he doesn't expect the Board of Supervisors to come up with \$50,000 for the Task Force.  
  
On contract related documents, Vice Chair Wolfe and Member Johnson are to research and present alternative language for Section 67.24(e)(1).  
  
**Public Comment:** Ray Hartz said this is a very touchy topic because it involves politics and the millions of dollars the City gives out every year.

On record-withholding, Member Snyder is to rewrite language in Section 67.1 and 67.27.

**Public Comment:** Ray Hartz said the Task Force needs to state very clearly that records belong to the citizens and not to the City, its employees and elected officials.

On definitions, Member Johnson is to identify and list the paragraphs that need clarification.

**Public Comment:** None.

A special meeting was called for May 5, 2011.

**Public Comment:** Ray Hartz said City officials do not know the law even when they are shown the proper citation. He also said the three complaints heard earlier in the evening were not handled appropriately.

Chair Knee created a three-person panel to start promoting the amendments. Members are Chair Knee, Vice Chair Wolfe and Member Washburn.

I.

Public Comment on items not listed on the agenda.

Jason Grant Garza complained that the Task Force does not see his complaints from his angle. Tomas Picarello said the ex-officio positions need to be filled. Ray Hartz said the Task Force has to help citizens get the public records they seek. Peter Warfield said the public should be asked what problems they encounter and then only make the appropriate amendments.

I.

Announcements, questions and future agenda items from Task Force members : None

#### **Adjournment**

*Having lost quorum, the Task Force adjourned at the hour of 7:12 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>





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April 26, 2011

# SUNSHINE ORDINANCE TASK FORCE REGULAR MEETING AGENDA

Tuesday, April 26, 2011  
4:00 p.m., City Hall, Room 408

## Task Force Members

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Kneé (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

## Call to Order; Roll Call; Agenda Changes

1. Hearing to consider possible changes to Task Force procedural rules including majority vote requirements for substantive action by the Task Force and policy on unexcused absences by members. (discussion and action item) (attachment) (30 min)
2. 11009 Determination of jurisdiction on complaint filed by Jason Grant Garza against the San Francisco Community Clinic Consortium for allegedly refusing to provide requested documents. (action item) (attachment) (5 min)
3. 11009 Hearing on complaint filed by Jason Grant Garza against the San Francisco Community Clinic Consortium for allegedly refusing to provide requested documents. (action item) (attachment) (30 min)
4. 11013 Determination of jurisdiction on complaint filed by Patrick Monette-Shaw against the Controller's Office and the Ethics Commission for allegedly refusing to release certain documents exchanged between the two departments. (action item) (attachment) (5 min)
5. 11013 Hearing on complaint filed by Patrick Monette-Shaw against the Controller's Office and the Ethics Commission for allegedly refusing to release certain documents exchanged between the two departments. (action item) (attachment) (30 min)
6. 11014 Determination of jurisdiction on complaint filed by Patrick Monette-Shaw against the Ethics Commission for allegedly refusing to release files and memos related to the Laguna Honda Hospital's patient gift fund. (action item) (attachment) (5 min)

7. 11014 Hearing on complaint filed by Patrick Monette-Shaw against the Ethics Commission for allegedly refusing to release files and memos related to the Laguna Honda Hospital's patient gift fund. (action item) (attachment) (30 min)
8. 11003 Determination of jurisdiction on complaint filed by Matt Smith against the District Attorney's Office for allegedly refusing to release files related to an investigation. (action item) (attachment) (5 min)
9. 11003 Hearing on complaint filed by Matt Smith against the District Attorney's Office for allegedly refusing to release files related to an investigation. (action item) (attachment) (30 min)
10. 10059 Hearing to consider possible referral to the Ethics Commission for further enforcement action of Rumi Utomo and/or David Hill, of the SF Municipal Transportation Agency, for willful violation of the Sunshine Ordinance(discussion and action item) (attachment) (30 min)
11. 11008 Hearing on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request. (action) (attachment) (30 min)
12. 11015 Determination of jurisdiction on complaint filed by Larry Little John against the Sheriff's Department for allegedly denying access to a jail census. (action item) (attachment) (5 min)
13. 11015 Hearing on complaint filed by Larry Little John against the Sheriff's Department for allegedly denying access to a jail census. (action item) (attachment) (30 min)
14. 11016 Determination of jurisdiction on complaint filed by Andrew Sineros against the SF Municipal Transportation Agency for allegedly failing to release information related to a driver cam. (action item) (attachment) (5 min)
15. 11016 Hearing on complaint filed by Andrew Sineros against the Larry Little John against the SF Municipal Transportation Agency for allegedly failing to release information related to a driver cam. (action item) (attachment) (30 min)
16. 11017 Determination of jurisdiction on complaint filed by Tomas Picarello against Supervisor Carmen Chu for allegedly violating meeting laws. (action item) (attachment) (5 min)
17. 11017 Hearing on complaint filed by Tomas Picarello against Supervisor Carmen Chu for allegedly violating meeting laws. (action item) (attachment) (30 min)
18. 11018 Determination of jurisdiction on complaint filed by Charlotte Laughon against Supervisor David Chiu, Supervisor Carmen Chu and Supervisor Eric Mar for allegedly failing to respond to a public records request. (action item) (attachment) (5 min)
19. 11018 Hearing on complaint filed by Charlotte Laughon against Supervisor David Chiu, Supervisor Carmen Chu and Supervisor Eric Mar for allegedly failing to respond to a public records request. (action item) (attachment) (30 min)
20. 11020 Determination of jurisdiction on complaint filed by Charlotte Laughon against the Film Commission for allegedly failing to provide requested information and being untruthful about it. (action item) (attachment) (5 min)
21. 11020 Hearing on complaint filed by Charlotte Laughon against the Film Commission for allegedly failing to provide requested information and being untruthful about it. (action item) (attachment) (30 min)
22. 11021 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L. (action item) (attachment) (5 min)
23. 11021 Hearing on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L. (action item) (attachment) (30 min)
24. 11022 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Lutheran Social Services for allegedly violating Administration Code Chapter 12L. (action item) (attachment) (5 min)
25. 11022 Hearing on complaint filed by Debra Benedict against the non-profit Lutheran Social Services for allegedly violating Administration Code Chapter 12L. (action item) (attachment) (30 min)
26. 11023 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not providing information related to an employee's job reclassification. (action item) (attachment) (5 min)
27. 11023 Hearing on complaint filed by William Clark against the Arts Commission for allegedly not providing information related to an employee's job reclassification. (action item) (attachment) (30 min)
28. 11025 Determination of jurisdiction on complaint filed by Susan Dumont against the City Attorney's Office for not responding to an Immediate Disclosure Request. (action item) (attachment) (5 min)
29. 11025 Hearing on complaint filed by Susan Dumont against the City Attorney's Office for not responding to an Immediate Disclosure Request. (action item) (attachment) (30 min)

30. 11026 Determination of jurisdiction on complaint filed by Michael Petrelis against the Police Department for allegedly not allowing public comment during a public forum. (action item) (attachment) (5 min)
31. 11026 Hearing on complaint filed by Michael Petrelis against the Police Department for allegedly not allowing public comment during a public forum. (action item) (attachment) (30 min)
32. Approval of January 4, 2011, special meeting minutes. (attachment) (action item) (5 min)
33. Approval of January 20, 2011, special meeting minutes. (attachment) (action item) (5 min)
34. Approval of January 25, 2011, regular meeting minutes. (attachment) (action item) (5 min)
35. Approval of February 17, 2011, special meeting minutes. (attachment) (action item) (5 min)
36. Approval of February 22, 2011, regular meeting minutes. (attachment) (action item) (5 min)
37. Approval of March 17, 2011, special meeting minutes. (attachment) (action item) (5 min)
38. Approval of March 22, 2011, regular meeting minutes. (attachment) (action item) (5 min)
39. Approval of April 21, 2011, special meeting minutes. (attachment) (action item) (5 min)
40. Approval of March 10, 2011, Rules Committee meeting minutes. (attachment) (action item) (5 min)
41. Report: Compliance and Amendments Committee meeting of April 12, 2011. (discussion and possible action item) (attachment) (5 min)
42. Report: Education, Outreach and Training Committee meeting of April 14, 2011. (discussion and possible action item) (attachment) (5 min)
43. Administrator's Report. (discussion) (attachment) (5 min)
44. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
45. Announcements, comments, questions, and future agenda items from the Task Force members. (no action) (no attachment) (5 min)

Adjournment Next regularly scheduled meeting: May 24, 2011.

**THE AGENDA PACKET IS AVAILABLE FOR REVIEW  
MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244**

## SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

1. Complainant presents his/her facts and evidence 5 minutes
  - Other parties of Complainant present facts and evidence Up to 3 minutes each
2. City responds 5 minutes
  - Other parties of City respond Up to 3 minutes each

*Above total speaking times for Complainant and City to be the same.*

3. Matter is with the Task Force for discussion and questions.
4. Respondent and Complainant presents clarification/rebuttal 3 minutes
5. Matter is with the Task Force for motion and deliberation.
6. Public comment (*Excluding Complainant & City response, witnesses*) Up to 3 minutes each

7. *Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.)*

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).



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April 26, 2011 (draft)

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
DRAFT MINUTES**

Tuesday, April 26, 2011  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Kneé (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

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**Call to Order** 4:00 P.M.

**Roll Call** Present: Kneé, Cauthen, Manneh (in at 5:08 p.m.), Washburn, Knoebber (left at 5:27 p.m.), Costa, Wolfe, Chan (left at 10:30 p.m.), Johnson (in at 6:09 pm), West (in at 4:50 p.m. and left at 9:56)  
Excused: Snyder

**Agenda Changes:** Items 30 & 31 heard before Item 1, Item 44 heard before Item 2.

**Deputy City Attorney:** Jerry Threet (left at 9:15)

**Clerk:** Chris Rustom

1.

Hearing to consider possible changes to Task Force procedural rules including majority vote requirements for substantive action by the Task Force and policy on unexcused absences by members.

**Vice Chair Wolfe, seconded by Member Washburn, motioned to approve the amendments to the By-Laws.**

**Public Comment:** None.

**Member Costa, seconded by Vice Chair Wolfe, motioned to sever Article IV, Section 7 from the rest of the amendments.**

**The motion carried on the following vote:**

Ayes: 6 - Manneh, Washburn, Costa, Wolfe, Chan, Kneé.

Noes: 1 - Cauthen

**Member Cauthen later changed her vote to the affirmative.**

Vice Chair Wolfe, seconded by Member Washburn, motioned to approve Article VI, Section 1, preamble; Article VI, Section 1, subsection d; and Article VII.

**Public Comment:** David Pilpel, a former member of the Task Force, spoke in favor but added that the language in Article VII needs to be consistent.

Member Cauthen, seconded by Member Manneh, motioned to have the words "without being excused" after the words "two meetings" in Article VII.

**Public Comment:** Kimo Crossman members agreed to attend meetings and if they do not they need to let someone else do the job. Tomas Picarello said the bar to notify the Board of Supervisors should be set at three absences, excused or not excused. David Pilpel said the power of this paragraph is mainly to push the member to participate or to resign.

**The motion failed on the following vote:**

Ayes: 3 - Cauthen, Manneh, Chan

Noes: 5 - Washburn, Knoebber, Costa, Wolfe, Kneel.

**The motion to approve Article VI, Section 1, preamble; Article VI, Section 1, subsection d; and Article VII passed on the following vote:**

Ayes: 8 - Cauthen, Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Kneel.

**Public Comment:** Kimo Crossman spoke in favor and added that if the Task Force gets sued, the City Attorney's Office would have to help with the defence. Tomas Picarello spoke in favor and added that outside counsel should be hired if Ethics refuses to enforce the law. David Pilpel spoke against the motion and asked to have it discussed at a later date.

**The motion to approve Article IV, Section 7 passed on the following vote:**

Ayes: 8 - Manneh, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, West

Noes: 1 - Cauthen, Kneel

1.

11009

Determination of jurisdiction on complaint filed by Jason Grant Garza against the San Francisco Community Clinic Consortium for allegedly refusing to provide requested documents.

**Heard:** Jason Grant Garza was not present. Nobody in the audience presented facts and evidence in support of Mr. Garza. Donald Rubenstein, a representative of the San Francisco Community Clinic Consortium, presented the respondent's case.

Member Cauthen, seconded by Member Washburn, motioned to find no jurisdiction.

**Public Comment:** None.

**The motion passed on the following vote:**

Ayes: 9 - Cauthen, Manneh, Washburn, Costa, Wolfe, Chan, Johnson, West, Kneel

The matter is concluded

1.

11009

Hearing on complaint filed by Jason Grant Garza against the San Francisco Community Clinic Consortium for allegedly refusing to provide requested documents.

The matter is concluded

1.

11013

Determination of jurisdiction on complaint filed by Patrick Monette-Shaw against the Controller's Office and the Ethics Commission for allegedly refusing to release certain documents exchanged between the two departments.

Member Johnson, seconded by Member Manneh, motioned to have Chair Kneel recused from Items 4, 5, 6 and 7 because he said he would be biased against Richard Mo, who is one of the respondents in the matter.

**Public Comment:** None.

**The motion passed on the following vote:**

Ayes: 8 - Cauthen, Manneh, Washburn, Costa, Wolfe, Chan, Johnson, West

Excused: 1 - Knoebber

Member Johnson, seconded by Member Manneh, motioned to find jurisdiction.

**Public Comment:** None.

**The motion passed on the following vote:**

Ayes: 8 - Cauthen, Manneh, Washburn, Costa, Wolfe, Chan, Johnson, West

Recused: 1 - Kneel

Excused: 1 – Knoebber

Lynn S. Carman (2:06:45) Assessor Russ Wolden Jr

1. 11013 Hearing on complaint filed by Patrick Monette-Shaw against the Controller's Office and the Ethics Commission for allegedly refusing to release certain documents exchanged between the two departments.

**Hearing:** Patrick Monette-Shaw made his presentation. Dr. Derek Kerr and Dr. Maria Rivero spoke in support of Mr. Monette-Shaw. Tonia Lediju of the Controller's Office Whistleblower Program and Richard Moe of the Ethics Commission presented their responses.

**Member Cauthen, seconded by Member Manneh, motioned to find the Controller's Office in violation of Section 67.25 for untimely response.**

**Public Comment:** None.

**The motion passed on the following vote:**

Ayes: 8 - Manneh, Washburn, Costa, Chan, Johnson, West, Cauthen, Wolfe

Recused: 1 - Knee

Excused: 1 - Knoebber

**Member Johnson, seconded by Member Washburn, motioned to find the Controller's Office and the Ethics Commission in violation of Section 67.26 for not keeping withholding to a minimum (for not saying who is doing the investigation).**

**Public Comment:** Richard Knee said the Charter may not trump the California Public Records Act and the Task Force needs to consider if withholding is permitted. Tomas Picarello said he was in favor of the motion and is appalled by the departments' stand that says nothing in the investigation is disclosable.

**Member Johnson, seconded by Member Costa, motioned to add a violation of 67.27 for failure to justify the withholding.**

**The motion passed on the following vote:**

Ayes: 8 - Manneh, Washburn, Costa, Chan, Johnson, West, Cauthen, Wolfe

Recused: 1 - Knee

Excused: 1 - Knoebber

1. 11014 Determination of jurisdiction on complaint filed by Patrick Monette-Shaw against the Ethics Commission for allegedly refusing to release files and memos related to the Laguna Honda Hospital's patient gift fund.

The Complainant and the Respondent agreed to have the matter heard at the May 24, 2011, hearing.

Chair Knee returns to the dais.

1. 11014 Hearing on complaint filed by Patrick Monette-Shaw against the Ethics Commission for allegedly refusing to release files and memos related to the Laguna Honda Hospital's patient gift fund.

See Item 6.

1. 11003 Determination of jurisdiction on complaint filed by Matt Smith against the District Attorney's Office for allegedly refusing to release files related to an investigation. (action item) (attachment) (5 min)

**Member Washburn, seconded by Member Cauthen, motioned to have Member Chan recused because he has had substantive discussions about the case with the Complainant.**

**The motion passed on the following vote:**

Ayes: 8 - Cauthen, Manneh, Washburn, Costa, Wolfe, Johnson, West, Knee

Recused: 1 - Chan

Excused: 1 - Knoebber

**Vice Chair Wolfe, seconded by Member Johnson, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion passed on the following vote:**

Ayes: 8 - Cauthen, Manneh, Washburn, Costa, Wolfe, Johnson, West, Knee

Recused: 1 - Chan

Excused: 1 - Knoebber

1. 11003 Hearing on complaint filed by Matt Smith against the District Attorney's Office for allegedly refusing to release files related to an investigation.

**Hears:** Complainant Matt Smith presented his case. The response was provided by Katie Miller of the District Attorney's Office.



No motion was presented.

**Public Comment:** None.

The matter is concluded.

Member Chan returns to the dais.

1. 10059 Hearing to consider possible referral to the Ethics Commission for further enforcement action of Rumi Uno and/or David Hill, of the SF Municipal Transportation Agency, for willful violation of the Sunshine Ordinance (discussion and action item) (attachment) (30 min)

**Heard:** Complainant Dorian Maxwell presented his case. David Hill provided the SF Municipal Transportation Agency's response.

**Member Johnson, seconded by Member Manneh, motioned to have a letter sent to the Board of Supervisors saying that the SF Municipal Transportation Agency is not properly trained in the requirements of the Sunshine Ordinance and to have David Hill referred to the Ethics Commission for violating Section 67.34 for failure to turn over a document.**

**Member Washburn, seconded by Vice Chair Wolfe, motioned to divide the motion.**

**The motion passed on the following vote:**

Ayes: 9 - Washburn, Costa, Wolfe, Chan, Johnson, West, Cauthen, Manneh, Knee  
Excused: 1 - Knoebber

**Public Comment:** Tomas Picarello said the Order of Determination should go to the State Attorney-General's Office. Cynthia Carter said Cyndia Chambers of the SFMTA was not new at her job when the incident occurred.

**The motion to have a letter sent to the Board of Supervisors passed on the following vote:**

Ayes: 9 - Washburn, Costa, Wolfe, Chan, Johnson, West, Cauthen, Manneh, Knee  
Excused: 1 - Knoebber

**The motion to have David Hill referred to the Ethics Commission for violating Section 67.34 be willfully violation of not handing over a document in a timely manner passed on the following vote.**

Ayes: 8 - Costa, Wolfe, Chan, Johnson, West, Cauthen, Manneh, Knee  
Noes: 1 - Washburn,  
Excused: 1 - Knoebber

**Member Johnson to draft letter to the Board of Supervisors.**

1. 11008 Hearing on complaint filed by William Clark against the Arts Commission for allegedly refusing to respond to a public records request.

**Heard:** William Clark presented his case. Julio Mattos of the Arts Commission presented the response.

**Member Cauthen, seconded by Member Manneh, motioned to find the Arts Commission in violation of Section 67.21(b) for not responding in a timely manner and Section 67.21(e) for not sending a person knowledgeable on the complaint.**

**Public Comment:** Amanda Nordquist said the Arts Commission's April 13, 2011, minutes do not reflect what actually happened at the meeting.

Vice Chair Wolfe suggested that the motion also include a requirement that the Arts Commission send the original tape for review by the Compliance and Amendments Committee. Member Cauthen and Member Manneh agreed.

Ayes: 7 - Costa, Wolfe, Johnson, Cauthen, Manneh, Washburn, Knee  
Excused: 1 - Knoebber, Chan, West

1. 11015 Determination of jurisdiction on complaint filed by Larry Little John against the Sheriff's Department for allegedly denying access to a jail census.

Continued to May 24, 2011, meeting.

1. 11015 Hearing on complaint filed by Larry Little John against the Sheriff's Department for allegedly denying access to a jail census.

Continued to May 24, 2011, meeting.

1. 11016 Determination of jurisdiction on complaint filed by Andrew Sisneros against the SF Municipal Transportation Agency for allegedly failing to release information related to a driver cam.

Continued to May 5, 2011, meeting.

1. 11016 Hearing on complaint filed by Andrew Sisneros against the Larry Little John against the SF Municipal Transportation Agency for allegedly failing to release information related to a driver cam.

Continued to May 5, 2011, meeting.

1. 11017 Determination of jurisdiction on complaint filed by Tomas Picarello against Supervisor Carmen Chu for allegedly violating meeting laws.

Continued to May 24, 2011, meeting.

1. 11017 Hearing on complaint filed by Tomas Picarello against Supervisor Carmen Chu for allegedly violating meeting laws.

Continued to May 24, 2011, meeting.

1. 11018 Determination of jurisdiction on complaint filed by Charlotte Laughon against Supervisor David Chiu, Supervisor Carmen Chu and Supervisor Eric Mar for allegedly failing to respond to a public records request.

Continued to May 24, 2011, meeting.

1. 11018 Hearing on complaint filed by Charlotte Laughon against Supervisor David Chiu, Supervisor Carmen Chu and Supervisor Eric Mar for allegedly failing to respond to a public records request.

Continued to May 24, 2011, meeting.

1. 11020 Determination of jurisdiction on complaint filed by Charlotte Laughon against the Film Commission for allegedly failing to provide requested information and being untruthful about it.

Continued to May 24, 2011, meeting.

1. 11020 Hearing on complaint filed by Charlotte Laughon against the Film Commission for allegedly failing to provide requested information and being untruthful about it.

Continued to May 24, 2011, meeting.

1. 11021 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L.

Continued to May 24, 2011, meeting.

1. 11021 Hearing on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L.

Continued to May 24, 2011, meeting.

1. 11022 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Lutheran Social Services for allegedly violating Administration Code Chapter 12L.

Continued to May 24, 2011, meeting.

1. 11022 Hearing on complaint filed by Debra Benedict against the non-profit Lutheran Social Services for allegedly violating Administration Code Chapter 12L.

Continued to May 24, 2011, meeting.

1. 11023 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not providing information related to an employee's job reclassification.

Continued to May 24, 2011, meeting.

1. 11023 Hearing on complaint filed by William Clark against the Arts Commission for allegedly not providing information related to an employee's job reclassification.

Continued to May 24, 2011, meeting.

1. 11025 Determination of jurisdiction on complaint filed by Susan Dumont against the City Attorney's Office for not responding to an Immediate Disclosure Request.

Continued to May 24, 2011, meeting.

1. 11025 Hearing on complaint filed by Susan Dumont against the City Attorney's Office for not responding to an Immediate Disclosure Request.

Continued to May 24, 2011, meeting.

1.  
11026 Determination of jurisdiction on complaint filed by Michael Petrelis against the Police Department for allegedly not allowing public comment during a public forum.

**Heard:** The complainant requested a continuance. The respondent disagreed.

**Member Knoebber, seconded by Vice Chair Wolfe, motioned to continue the matter to the May 24, 2011, meeting.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 7 – Cauthen, Washburn, Knoebber, Costa, Wolfe, Chan, Knee

1.  
11026 Hearing on complaint filed by Michael Petrelis against the Police Department for allegedly not allowing public comment during a public forum.

Continued to May 24, 2011. See above

1.  
Approval of January 4, 2011, special meeting minutes.

Continued to May 24, 2011, meeting.

1.  
Approval of January 20, 2011, special meeting minutes.

Continued to May 24, 2011, meeting.

1.  
Approval of January 25, 2011, regular meeting minutes.

Continued to May 24, 2011, meeting.

1.  
Approval of February 17, 2011, special meeting minutes.

Continued to May 24, 2011, meeting.

1.  
Approval of February 22, 2011, regular meeting minutes.

Continued to May 24, 2011, meeting.

1.  
Approval of March 17, 2011, special meeting minutes.

Continued to May 24, 2011, meeting.

1.  
Approval of March 22, 2011, regular meeting minutes.

Continued to May 24, 2011, meeting.

1.  
Approval of April 21, 2011, special meeting minutes.

Continued to May 24, 2011, meeting.

1.  
Approval of March 10, 2011, Rules Committee meeting minutes.

Continued to May 24, 2011, meeting.

1.  
Report: Compliance and Amendments Committee meeting of April 12, 2011.

Continued to May 24, 2011, meeting.

1.  
Report: Education, Outreach and Training Committee meeting of April 14, 2011.

Continued to May 24, 2011, meeting.

1.  
Administrator's Report.

Mr. Rustom made the report.

1.  
Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible

Robert Clark told the Task Force about some comments made at the Arts Commission's April 13, 2011, meeting. William Clark continued his twin brother's presentation. Tomas Picarello said if jurisdiction was not contested there was no need to find jurisdiction.

1.

Announcements, comments, questions, and future agenda items from the Task Force members: None.

**Adjournment**

*With the closure of City Hall for the night nearing, the Task Force adjourned at the hour of 10:54 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>



May 5, 2011 - special

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
AGENDA**

Thursday, May 5, 2011  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

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Note: Public comment on items not listed on the agenda (Item # 5) will be taken at 5:00 p.m. or as soon thereafter as possible.

**Call to Order; Roll Call; Agenda Changes**

1. Letter to the Ethics Commission protesting dismissal of Task Force's complaint against the Public Library (Ethics Commission Complaint #05-100219) (20 minutes) (discussion and possible action) (attachment).
2. 11016 Determination of jurisdiction on complaint filed by Andrew Sisneros against the SF Municipal Transportation Agency for allegedly failing to release information related to a driver cam. (action item) (attachment) (5 min)
3. 11016 Hearing on complaint filed by Andrew Sisneros against the SF Municipal Transportation Agency for allegedly failing to release information related to a driver cam. (action item) (attachment) (30 min)
4. Consideration of amendments to Sunshine Ordinance. (discussion and action item) (attachment) (90 min)
5. Public Comment on items not listed on the agenda (no action) (no attachment) (15 min)
6. Announcements, questions and future agenda items from Task Force members (discussion only) (no attachment) (15 min)

**Adjournment  
2011.**

**Next regularly scheduled meeting: May 24,**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

### SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | Up to 5 minutes      |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | Up to 5 minutes      |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

3. Matter is with the Task Force for discussion and questions.
4. Respondent and Complainant presents clarification/rebuttal Up to 3 minutes
5. Matter is with the Task Force for motion and deliberation.
6. Public comment (*Excluding Complainant & City response, witnesses*) Up to 3 minutes each
7. Vote by Task Force (*Public comment at discretion of chair on new motion and/or on new motion if vote fails.*)

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of

cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).





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May 5, 2011 - special (draft)

**SUNSHINE ORDINANCE TASK FORCE  
SPECIAL MEETING  
DRAFT MINUTES**

Tuesday, May 5, 2011  
5:00 p.m., City Hall, Room 406

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

**Call to Order** 5:03 P.M.

**Roll Call** Present: Snyder, Knee, Cauthen, Manneh, Knoebber, Costa, Wolfe, Johnson  
Excused: Washburn, Chan  
Absent: West

**Agenda Changes:** Item 5 heard before Item 4.**Deputy City Attorney:** Jerry Threet**Clerk:** Chris Rustom

Motion to excuse Member Washburn and Member Chan was approved without objection.

- Letter to the Ethics Commission protesting dismissal of Task Force's complaint against the Public Library (Ethics Commission Complaint # 05-100219).

Members provided suggestions to the draft letter. It was decided to make the necessary changes and send the letter as soon as possible.

**Public Comment:** Tomas Picarello spoke in favor and added that members who supported the document attach their signatures to it. Charles Pitts spoke in favor and added that a copy should also be sent to the Board of Supervisors.

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2. 11016 Determination of jurisdiction on complaint filed by Andrew Sineros against the SF Municipal Transportation Agency for allegedly failing to release information related to a driver cam.

**Member Knoebber, seconded by Member Manneh, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion passed on the following vote:**

Ayes: 8 - Snyder, Cauthen, Manneh, Knoebber, Costa, Wolfe, Johnson,  
Knee  
Excused: 2 - Washburn, Chan  
Absent: 1 - West

3. 11016 Hearing on complaint filed by Andrew Sineros against the SF Municipal Transportation Agency for allegedly failing to release information related to a driver cam.

**Heard:** Complainant Andrew Sineros presented his claim. Dorian Maxwell spoke in support of the Complainant. Caroline Celaya and Ayn Antonio represented the SF Municipal Transportation Agency.

**Vice Chair Wolfe, seconded by Member Knoebber, motioned to have the SF Municipal Transportation Agency in violation of Section 67.21(c) for not assisting the requestor gain access to the records, Section 67.22(b) for not providing oral information, and Section 67.26 for not keeping withholding to a minimum.**

**Public Comment:** Tomas Picarello spoke in favor and added that accountability was very important.

**The motion passed on the following vote:**

Ayes: 8 - Snyder, Cauthen, Manneh, Knoebber, Costa, Wolfe, Johnson,  
Knee  
Excused: 2 - Washburn, Chan  
Absent: 1 - West

The matter was referred to the Compliance and Amendments Committee.

4. Consideration of amendments to Sunshine Ordinance.

Members discussed the outstanding issues from the last meeting:

Vice Chair Wolfe and Member Costa are to provide draft language for electronic documents storage.

Member Cauthen was noted absent at 6:35 p.m.

**Public Comment:** Tomas Picarello and Charles Pitts spoke in favor.

A five-minute recess was declared at 6:40 p.m.

Member Snyder was to provide draft language on the hiring of outside counsel.

**Public Comment:** None.

The proposed amendments to contract requirements was placed on hold.

**Public Comment:** None.

On record withholding, Member Snyder suggested adding a sentence to Section 67.1(d). Member Knoebber added "and cited" to the sentence. It was accepted.

**Public Comment:** None.

On definitions, Member presented her suggestions and they were accepted.

5. Public Comment on items not listed on the agenda:

Tomas Picarello wanted to know how # 11016 Andrew Sineros against the SF Municipal Transportation Agency got on the agenda. Chair Knee said it was because Mr. Sineros had said his complaint was time sensitive.

6. Announcements, questions and future agenda items from Task Force members

Member Knoebber said he would not be able to attend the next special meeting. Member Manneh said she

may not be able to attend. Member Costa said he would be arriving late for the meeting.

**Adjournment**

*Having lost quorum, the Task Force adjourned at the hour of 7:30 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>



May 18, 2011 - special

**SUNSHINE ORDINANCE TASK FORCE****SPECIAL MEETING****AGENDA****Wednesday, May 18, 2011****5:00 p.m., City Hall, Room 406****GOVERNMENT  
DOCUMENTS DEPT****MAY 11 2011****SAN FRANCISCO  
PUBLIC LIBRARY****Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. 11014 Determination of jurisdiction on complaint filed by Patrick Monette-Shaw against the Ethics Commission for allegedly refusing to release files and memos related to the Laguna Honda Hospital's patient gift fund. (action item) (attachment) (5 min)
2. 11014 Hearing on complaint filed by Patrick Monette-Shaw against the Ethics Commission for allegedly refusing to release files and memos related to the Laguna Honda Hospital's patient gift fund. (action item) (attachment) (30 min)
3. 11015 Determination of jurisdiction on complaint filed by Larry Little John against the Sheriff's Department for allegedly denying access to a jail census. (action item) (attachment) (5 min)
4. 11015 Hearing on complaint filed by Larry Little John against the Sheriff's Department for allegedly denying access to a jail census. (action item) (attachment) (30 min)

5. 11017 Determination of jurisdiction on complaint filed by Tomas Picarello against Supervisor Carmen Chu for allegedly violating meeting laws. (action item) (attachment) (5 min)
6. 11017 Hearing on complaint filed by Tomas Picarello against Supervisor Carmen Chu for allegedly violating meeting laws. (action item) (attachment) (30 min)
7. 11018 Determination of jurisdiction on complaint filed by Charlotte Laughon against Supervisor David Chiu, Supervisor Carmen Chu and Supervisor Eric Mar for allegedly failing to respond to a public records request. (action item) (attachment) (5 min)
8. 11018 Hearing on complaint filed by Charlotte Laughon against Supervisor David Chiu, Supervisor Carmen Chu and Supervisor Eric Mar for allegedly failing to respond to a public records request. (action item) (attachment) (30 min)
9. 11020 Determination of jurisdiction on complaint filed by Charlotte Laughon against the Film Commission for allegedly failing to provide requested information and being untruthful about it. (action item) (attachment) (5 min)
10. 11020 Hearing on complaint filed by Charlotte Laughon against the Film Commission for allegedly failing to provide requested information and being untruthful about it. (action item) (attachment) (30 min)
11. 11021 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L. (action item) (attachment) (5 min)
12. 11021 Hearing on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L. (action item) (attachment) (30 min)
13. 11022 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Lutheran Social Services for allegedly violating Administration Code Chapter 12L. (action item) (attachment) (5 min)
14. 11022 Hearing on complaint filed by Debra Benedict against the non-profit Lutheran Social Services for allegedly violating Administration Code Chapter 12L. (action item) (attachment) (30 min)
15. 11023 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not providing information related to an employee's job reclassification. (action item) (attachment) (5 min)
16. 11023 Hearing on complaint filed by William Clark against the Arts Commission for allegedly not providing information related to an employee's job reclassification. (action item) (attachment) (30 min)
17. 11025 Determination of jurisdiction on complaint filed by Susan Dumont against the City Attorney's Office for not responding to an Immediate Disclosure Request. (action item) (attachment) (5 min)
18. 11025 Hearing on complaint filed by Susan Dumont against the City Attorney's Office for not responding to an Immediate Disclosure Request. (action item) (attachment) (30 min)
19. 11026 Determination of jurisdiction on complaint filed by Michael Petrelis against the Police Department for allegedly not allowing public comment during a public forum. (action item) (attachment) (5 min)
20. 11026 Hearing on complaint filed by Michael Petrelis against the Police Department for allegedly not allowing public comment during a public forum. (action item) (attachment) (30 min)
21. Public comment on matters not listed on the agenda. Public comment shall be taken at 6:00 p.m., or as soon thereafter as possible (no action) (15 min)
22. Announcements, comments, questions, and future agenda items from the Task Force members. (no action) (no attachment) (5 min)

**Adjournment  
2011.**

**Next regularly scheduled meeting: May 24,**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

**SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES**

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

- |  |                      |
|--|----------------------|
| 3. Matter is with the Task Force for discussion and questions.   |                      |
| 4. Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. Matter is with the Task Force for motion and deliberation.  |                      |
| 6. Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

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May 18, 2011 - special (draft)

## SUNSHINE ORDINANCE TASK FORCE

## SPECIAL MEETING

## DRAFT MINUTES

Tuesday, May 18, 2011

5:00 p.m., City Hall, Room 406

## Task Force Members

Seat 1	David Snyder, Esq.	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

Call to Order 5:14 P.M.

**Roll Call Present:** Snyder, Knee, Cauthen, Manneh, Washburn, Costa, Wolfe, Johnson  
**Excused:** Knoebber, Chan, West

**Agenda Changes:** Item 21 heard before Item 3.**Deputy City Attorney:** Jerry Threet**Clerk:** Chris Ruston

1. 11014 Determination of jurisdiction on complaint filed by Patrick Monette-Shaw against the Ethics Commission for allegedly refusing to release files and memos related to the Laguna Honda Hospital's patient gift fund.

Starts  
around  
0:00:45

**Member Washburn, seconded by Member Cauthen, motioned to find jurisdiction.****Public Comment:** None

Chair Knee said the vote would not be taken because jurisdiction was not contested.

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1. 11014 Hearing on complaint filed by Patrick Monette-Shaw against the Ethics Commission for allegedly refusing to release files and memos related to the Laguna Honda Hospital's patient gift fund.
- Starts around 0:02:00
- Heard:** Complainant Patrick Monette-Shaw presented his case. Dr. Derek Kerr and Dr. Maria Rivero spoke in support of Mr. Monette-Shaw. Garrett Chatfield represented the Ethics Commission's defense.

Member Cauthen asked to be recused because she was working with Mr. Chatfield on a complaint referral to the Ethics Commission.

**Member Manneh, seconded by Member Johnson, motioned to recuse Member Cauthen.**

**The motion carried on the following vote:**

Ayes: 6 - Snyder, Manneh, Washburn, Wolfe, Johnson, Knee

Noes: None

Excused: 3 - Knoebber, Costa, Chan, West.

Member Cauthen leaves the dais.

**Member Snyder, seconded by Vice Chair Wolfe, motioned to find the Ethics Commission in violation of California Public Records Request Sec 6253 etseq because the Ethics Commission did not disclose the requested information.**

**Public Comment:** Tomas Picarello said Chair Knee's decision not to recuse himself as he did in a previous case gives the Ethics Commission reason to dismiss this case if it gets referred.

**The motion carried on the following vote:**

Ayes: 6 - Snyder, Manneh, Washburn, Wolfe, Johnson, Knee

Noes: None

Recused: Cauthen

Excused: Knoebber, Costa, Chan, West.

**Member Johnson, seconded by Member Washburn, moved to also find a violation of Sunshine Ordinance Section 67.26 for not keeping withholding to a minimum.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 4 - Manneh, Washburn, Wolfe, Johnson

Noes: 2 - Snyder, Knee

Recused: 1 - Cauthen

Excused: Knoebber, Costa, Chan, West.

The matter was referred to the Compliance and Amendments Committee.

1. 11015 Determination of jurisdiction on complaint filed by Larry Littlejohn against the Sheriff's Department for allegedly denying access to a jail census.
- Starts around 1:21:00
- Member Washburn, seconded by Member Manneh, motioned to find jurisdiction.**
- Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 6 - Snyder, Manneh, Washburn, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 4 - Knoebber, Costa, Chan, West.

1. 11015 Hearing on complaint filed by Larry Littlejohn against the Sheriff's Department for allegedly denying access to a jail census.
- Starts around 1:22:00
- Heard:** Complainant Larry Littlejohn presented his case. The Sheriff's Department was not represented. No one in the audience spoke for or presented facts and evidence on behalf of the Sheriff's Department.

Member Costa was noted present at 7:38 p.m.

**Member Johnson, seconded by Vice Chair Wolfe, motioned to find the Sheriff's Department in violation of California Public Records Act 6254(f)(1) for failure to make public the location of individuals currently being held in custody, Sunshine Ordinance Section 67.21(b) for failure to respond in a timely manner and (c) for not sending a knowledgeable representative.**

**Public Comment:** None

**The motion carried on the following vote:**

Ayes: 6 - Snyder, Manneh, Washburn, Wolfe, Costa, Johnson, Knee

Absent: 1 - Cauthen  
Excused: 4 - Knoebber, Chan, West.

The matter was referred to the Compliance and Amendments Committee.

1. 11017 Determination of jurisdiction on complaint filed by Tomas Picarello against Supervisor Carmen Chu for allegedly violating meeting laws.

Starts  
around  
1:38:00

**Member Manneh, seconded by Member Washburn, motioned to find jurisdiction.**

**Public Comment:** None

**The motion carried on the following vote:**

Ayes: 6 - Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 4 - Knoebber, Chan, West.

1. 11017 Hearing on complaint filed by Tomas Picarello against Supervisor Carmen Chu for allegedly violating meeting laws.

Starts  
around  
1:38:45

**Heard:** Complainant Tomas Picarello presented his case. Supervisor Carmen Chu was represented by her Legislative Aide Katy Tang. Rick Calderia, Legislative Deputy Director for the Clerk of the Board, spoke in support.

**Member Johnson, seconded by Member Washburn, motioned to find the office of Supervisor Carmen Chu in violation of Section 67.7 for violating public notice requirements, 67.8 for failure to provide accurate agenda information for closed sessions and Section 67.10(d) because the subject was a budget issue and not a pending legislation issue as claimed.**

**Public Comment:** Judson True, a legislative aide to Board President David Chiu, presented facts against the motion. Charles Pitts said it is unbelievable that the chair of a committee is not responsible for the committee. He also wanted to know if there was an audio recording of the closed session.

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 4 - Knoebber, Chan, West.

The matter was forwarded to the Education, Outreach and Training Committee.

1. 11018 Determination of jurisdiction on complaint filed by Charlotte Laughon against Supervisor David Chiu, Supervisor Carmen Chu and Supervisor Eric Mar for allegedly failing to respond to a public records request.

Starts  
around  
2:26:30

**Member Washburn, seconded by Member Johnson, motioned to find jurisdiction.**

**Public Comment:** None

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 4 - Knoebber, Chan, West.

1. 11018 Hearing on complaint filed by Charlotte Laughon against Supervisor David Chiu, Supervisor Carmen Chu and Supervisor Eric Mar for allegedly failing to respond to a public records request.

Starts  
around  
2:27:30

**Member Johnson motioned to have the Supervisors in violation of Section 67.21(b) for failure to respond. The motion died for lack of a second.**

**Public Comment:** None.

Matter concluded.

1. 11020 Determination of jurisdiction on complaint filed by Charlotte Laughon against the Film Commission for allegedly failing to provide requested information and being untruthful about it.

Starts around  
2:47:45

**Member Manneh, seconded by Vice Chair Wolfe, motioned to find jurisdiction.**

**Public Comment:** None

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee

Absent: 1 - Cauthen

Excused: 4 - Knoebber, Chan, West.

1. 11020 Hearing on complaint filed by Charlotte Laughon against the Film Commission for allegedly failing to provide requested information and being untruthful about it.
- Starts around 2:48:45
- Heard:** Complainant Charlotte Laughon was not present. No one in the audience spoke for or presented facts and evidence on behalf of Ms. Laughon. Laurel Barsotti presented the Film Commission's defense.
- No motion was made.
- Public Comment:** None.
- Matter concluded.
1. 11021 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L.
- Starts around 2:54:30
- Member Snyder, seconded by Vice Chair Wolfe, motioned to find jurisdiction.**
- Public Comment:** None.
- The motion carried on the following vote:**  
 Ayes: 7 - Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee  
 Absent: 1 - Cauthen  
 Excused: 3 - Knoebber, Chan, West.
1. 11021 Hearing on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L.
- Starts around 2:56:00
- Member Manneh and Member Costa said they had to recuse themselves because of their business affiliations with the non-profit Tides Center.
- Member Washburn, seconded by Vice Chair Wolfe, motioned to recuse Member Manneh.**
- Public Comment:** None.
- The motion carried on the following vote:  
 Ayes: 7 - Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee  
 Absent: 1 - Cauthen  
 Excused: 3 - Knoebber, Chan, West.
- Member Washburn, seconded by Vice Chair Wolfe, motioned to recuse Member Costa.**
- Public Comment:** None.
- The motion carried on the following vote:**  
 Ayes: 6 - Snyder, Washburn, Costa, Wolfe, Johnson, Knee  
 Recused: 1 - Manneh  
 Absent: 1 - Cauthen  
 Excused: 3 - Knoebber, Chan, West.
- Quorum was then lost.
- Item continued to May 24.
- Member Manneh and Member Costa return to dias.
1. 11022 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Lutheran Social Services for allegedly violating Administration Code Chapter 12L.
- Starts around 2:59:30
- Vice Chair Wolfe, seconded by Member Manneh, motioned to find jurisdiction.**
- Public Comment:** None.
- The motion carried on the following vote:**  
 Ayes: 7 - Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee  
 Absent: 1 - Cauthen  
 Excused: 3 - Knoebber, Chan, West.
1. 11022 Hearing on complaint filed by Debra Benedict against the non-profit Lutheran Social Services for allegedly violating Administration Code Chapter 12L.
- Starts around 3:00:30
- Heard:** Complainant Debra Benedict presented her case. The defense was presented by Nancy Neilson of Lutheran Social Services.
- Vice Chair Wolfe motioned to find a violation of Chapter 12L.d1 but the motion died for lack of**

a second.

**Public Comment:** Charles Pitts said the Task Force should send the respondents a letter reminding them of their obligations. Tomas Picarello said the Task Force should have found the respondent in violation of the Sunshine Ordinance. David Pipel said the Task Force should look very narrowly at the language of Chapter 12L.

Matter concluded.

1. 11023 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not providing information related to an employee's job reclassification.

Starts  
around  
3:16:15

**Member Manneh, seconded by Member Costa, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee  
Absent: 1 - Cauthen  
Excused: 3 - Knoebber, Chan, West.

1. 11023 Hearing on complaint filed by William Clark against the Arts Commission for allegedly not providing information related to an employee's job reclassification.

Starts  
around  
3:16:17

**Heard:** William Clark presented his case. The Arts Commission was not represented. No one in the audience spoke for or presented facts and evidence on behalf of the Arts Commission.

**Member Snyder, seconded by Vice Chair Wolfe motioned to find the Arts Commission in violation of Section 67.24(c)(6) for not disclosing the reason for any performance-based increase in compensation for a staff member, Section 67.21(c) for not sending a knowledgeable representative to the meeting, and to send a letter to the Mayor, Board of Supervisors and Arts Commissioners on the Arts Commission's continued disregard of the requirements of Section 67.21(e).**

**Public Comment:** Robert Clark said he and his twin brother William want to see the reason behind the promotion of a staff from Senior Clerk Typist to Museum Curator. David Pipel said Section 67.24(c)(6) was written for a specific reason that arose years ago.

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee  
Absent: 1 - Cauthen  
Excused: 3 - Knoebber, Chan, West.

1. 11025 Determination of jurisdiction on complaint filed by Susan Dumont against the City Attorney's Office for not responding to an Immediate Disclosure Request.

Starts  
around  
3:45:00

**Vice Chair Wolfe, seconded by Member Johnson, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knee  
Absent: 1 - Cauthen  
Excused: 3 - Knoebber, Chan, West.

Vice Chair Wolfe announced that he knows Ms. Dumont and could hear this case without any preconceived opinion.

1. 11025 Hearing on complaint filed by Susan Dumont against the City Attorney's Office for not responding to an Immediate Disclosure Request.

Starts  
around  
3:45:00

Complainant Susan Dumont was not presented. No one in the audience spoke for or presented facts and evidence on behalf of Ms. Dumont. The City Attorney's Office was not represented. No one in the audience spoke for or presented facts and evidence on behalf of the City Attorney's Office.

The matter was tabled without objection.

1. 11026 Determination of jurisdiction on complaint filed by Michael Petrelis against the Police Department for allegedly not allowing public comment during a public forum.

Starts  
around  
3:47:30

**Member Manneh, seconded by Vice Chair Wolfe, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 7 - Snyder, Manneh, Washburn, Costa, Wolfe, Johnson, Knece  
 Absent: 1 - Cauthen  
 Excused: 3 - Knoebber, Chan, West.

1. 11026 Hearing on complaint filed by Michael Petrelis against the Police Department for allegedly not allowing public comment during a public forum.

Starts around 3:48:30 **Heard:** Complainant Michael Petrelis presented his case. Lt. Simon Silverman presented the Police Department's defense.

No motion was presented.

**Public Comment:** Tomas Picarello said the matter should be continued because there were many unanswered questions. Charles Pitts said more questions need to be asked before a decision is made.

The matter is concluded.

1. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible

Starts around 1:11:30 Ray Hartz, Director of San Francisco Open Government, said city officials do not have the right to violate the constitution and tell people that they cannot talk about some things.

Debra Benedict said she had a list 4 pages long of non-profits who do not confirm to Chapter 12L of the Admin Code and wanted to know how to proceed.

Member Cauthen was noted absent at 6:32 p.m.

1. Announcements, comments, questions, and future agenda items from the Task Force members.

Starts around 4:05:15 Chair Knece said he wants to address the day's absenteeism issue.

Member Snyder, seconded by Member Washburn, motioned to excuse Member Cauthen who had left earlier to attend a dinner.

Public Comment: Tomas Picarello said the work of the Task Force was more important than the dinner.

The motion failed on the following vote:

Ayes: 1 - Snyder  
 Noes: 6 - Manneh, Washburn, Costa, Wolfe, Johnson, Knece  
 Absent: 1 - Cauthen  
 Excused: 3 - Knoebber, Chan, West.

Member Knoebber was excused without objection because his absence was work related. Member Costa was excused without objection because his tardiness was work related. Member Chan was excused without objection because his absence was school related. Member West was excused without objection because his absence was work related.

Member Wolfe suggested tips on how to make a sunshine request posted on the website.

Member Johnson said the word esquire should be attached to the name of the person holding Seat 1 because it is a seat reserved for an attorney.

Chair Knece urged members to contact Senate President Pro Tem Darrell Steinberg and committee chair Christine Kehoe to restore State Senator Leland Yee's State Constitutional Amendment 7 to active status. The amendment sets requirements for agenda posting.

## Adjournment

*There being no further business, the Task Force adjourned at the hour of 9:40 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>







May 24, 2011

**SUNSHINE ORDINANCE TASK FORCE****REGULAR MEETING****AGENDA**

Tuesday, May 24, 2011

4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder, Esq.	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. 11021 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L. (action item) (attachment) (5 min)
2. 11021 Hearing on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L. (action item) (attachment) (30 min)
3. 11028 Determination of jurisdiction on complaint filed by Charles Pitts against Supervisor Jane Kim for allegedly failing to respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications. (action item) (attachment) (5 min)
4. 11028 Hearing on complaint filed by Charles Pitts against Supervisor Jane Kim for allegedly failing to respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications. (action item) (attachment) (30 min)
5. 11029 Determination of jurisdiction on complaint filed by Suzanne Dumont against the Recreation and Parks Department for allegedly failing to respond to an Immediate Disclosure Request. (action item) (attachment) (5 min)

6. 11029 Hearing on complaint filed by Suzanne Dumont against the Recreation and Parks Department for allegedly failing to respond to an Immediate Disclosure Request. (action item) (attachment) (30 min)
7. 11030 Determination of jurisdiction on complaint filed by Charles Pitts against Supervisor Mark Farrell for allegedly failing to timely and honestly respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications. (action item) (attachment) (5 min)
8. 11030 Hearing on complaint filed by Charles Pitts against Supervisor Mark Farrell for allegedly failing to timely and honestly respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications. (action item) (attachment) (30 min)
9. 11031 Determination of jurisdiction on complaint filed by Charles Pitts against Supervisor Sean Elsbernd for allegedly failing to timely respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications. (action item) (attachment) (5 min)
10. 11031 Hearing on complaint filed by Charles Pitts against Supervisor Sean Elsbernd for allegedly failing to timely respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications. (action item) (attachment) (30 min)
11. 11032 Determination of jurisdiction on complaint filed by Tomas Picarello against the Clerk of the Board of Supervisors for allegedly not providing timely and accurate minutes regarding various Sunshine Task Force committees. (action item) (attachment) (5 min)
12. 11032 Hearing on complaint filed by Tomas Picarello against the Clerk of the Board of Supervisors for allegedly not providing timely and accurate minutes regarding various Sunshine Task Force committees. (action item) (attachment) (30 min)
13. 11033 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly failing to respond adequately to his April 6, 2011, request for information on certain funds. (action item) (attachment) (5 min)
14. 11033 Hearing on complaint filed by William Clark against the Arts Commission for allegedly failing to respond adequately to his April 6, 2011, request for information on certain funds. (action item) (attachment) (30 min)
15. 11034 Determination of jurisdiction on complaint filed by Frank McDowell against the Metropolitan Transportation Agency for allegedly not providing adequate response to his March 16, 2011, request for information on a drive-cam. (action item) (attachment) (5 min)
16. 11034 Hearing on complaint filed by Frank McDowell against the Metropolitan Transportation Agency for allegedly not providing adequate response to his March 16, 2011, request for information on a drive-cam. (action item) (attachment) (30 min)
17. Approval of January 4, 2011, special meeting minutes. (attachment) (action item) (5 min)
18. Approval of January 20, 2011, special meeting minutes. (attachment) (action item) (5 min)
19. Approval of January 25, 2011, regular meeting minutes. (attachment) (action item) (5 min)
20. Approval of February 17, 2011, special meeting minutes. (attachment) (action item) (5 min)
21. Approval of February 22, 2011, regular meeting minutes. (attachment) (action item) (5 min)
22. Approval of March 17, 2011, special meeting minutes. (attachment) (action item) (5 min)

23. Approval of March 22, 2011, regular meeting minutes. (attachment) (action item) (5 min)
24. Approval of April 21, 2011, special meeting minutes. (attachment) (action item) (5 min)
25. Approval of April 26, 2011, meeting minutes. (attachment) (action item) (5 min)
26. Approval of May 5, 2011, special meeting minutes. (attachment) (action item) (5 min)
27. Approval of May 18, 2011, special meeting minutes. (attachment) (action item) (5 min)
28. Approval of March 10, 2011, Rules Committee meeting minutes. (attachment) (action item) (5 min)
29. Report: Complaint Committee meeting of May 10, 2011. (discussion and possible action item) (attachment) (5 min)
30. Report: Compliance and Amendments Committee meeting of May 10, 2011. (discussion and possible action item) (attachment) (5 min)
31. Report: Education, Outreach and Training Committee meeting of May 12, 2011. (discussion and possible action item) (attachment) (5 min)
32. Administrator's Report. (discussion) ( attachment) (5 min)
33. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
34. Announcements, comments, questions, and future agenda items from the Task Force members. (no action) (no attachment) (5 min)

**Adjournment**  
**28, 2011.**

**Next regularly scheduled meeting: June**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

#### **SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES**

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

3. Matter is with the Task Force for discussion and questions.
4. Respondent and Complainant presents clarification/rebuttal 3 minutes
5. Matter is with the Task Force for motion and deliberation.
6. Public comment (*Excluding Complainant & City response, witnesses*) Up to 3 minutes each
7. Vote by Task Force (*Public comment at discretion of chair on new motion and/or on new motion if vote fails.*)

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco

Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415 581-2300; fax (415 581-2317); website: [sfgov.org/ethics](http://sfgov.org/ethics).



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May 24, 2011 (draft)

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
DRAFT MINUTES**

Tuesday, May 24, 2011  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder, Esq.	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

**Call to Order** 4:06 P.M.

**Roll Call** Present: Snyder, Knee, Cauthen, Manneh, Costa, Wolfe, Chan, Johnson  
Excused: Washburn, Knoebber  
Absent: West

**Agenda Changes:** Item 33 heard before Item 13. Item 2 heard after Item 14.**Deputy City Attorney:** Jerry Threet**Clerk:** Chris Rustom

Chair Knee, without objection, excused Member Washburn because of medical reasons and Member Knoebber because of work reasons. Member Cauthen and Member Chan were to be excused for a short period of time during the meeting because of various reasons.

1.

11:021 Determination of jurisdiction on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L.

Starts

About

0:03:30

Member Costa requested to be recused because of his business affiliations with Tides Center.

Member Cauthen, seconded by Vice Chair Wolfe, motioned to recuse Member Costa.

The motion carried on the following vote:

Ayes: 6 - Snyder, Cauthen, Costa, Wolfe, Chan, Knee.

Excused: Manneh, Washburn, Knoebber

Absent: West

Item was postponed because quorum was lost because of recusal and because the complainant was not

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present.

Member Costa returns to the dais.

Jurisdiction was found during the May 18, 2011, special meeting.

1.

11021

Hearing on complaint filed by Debra Benedict against the non-profit Tides Center for allegedly violating Administration Code Chapter 12L.

Starts

About

2:58:15

Member Manneh and Member Costa were recused.

Heard: Complainant Debra Benedict presented her case. Olaitan Callender-Scott spoke of the Tides Center presented the defense.

No motion was made.

The matter was concluded.

Vice Chair Wolfe reopened the bearing and said a violation must be found in the name of justice.

Vice Chair Wolfe, seconded by Member Snyder, motioned to find a violation of Chapter 12L Section 4(c).

Public Comment: Tomas Picarello said jurisdiction must be found before deciding on the merits of the case.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Wolfe, Chan, Johnson, Kne

Recused: Manneh, Costa

Excused: Washburn, Knoebber

Absent: West

Matter referred to Education, Outreach and Training Committee.

1.

11028

Determination of jurisdiction on complaint filed by Charles Pitts against Supervisor Jane Kim for allegedly failing to respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.

Starts

About

0:06:45

Vice Chair Wolfe, seconded by Member Costa, motioned to find jurisdiction.

Public Comment: None.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Costa, Wolfe, Chan, Kne

Excused: Manneh, Washburn, Knoebber, Johnson

Absent: West

1.

11028

Hearing on complaint filed by Charles Pitts against Supervisor Jane Kim for allegedly failing to respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.

Starts

About

0:07:45

And at

1:11:45

Charles Pitts was not present. Supervisor Jane Kim's legislative aide Matthias Mormino was present.

Item postponed because Mr. Pitts was not present.

Public Comment: Tomas Picarello said the reason why the complainants were not present was because the meeting times varied between 4:00 p.m. and 5:00 p.m. Ray Hartz, Director of San Francisco Open Government, said it would be in the best interest of all parties to hear these items after 5:00 p.m. because of the timing mix up.

Heard: Mr. Pitts explained the reason for his complaint. Mr. Tomas Picarello, in support of Mr. Pitts, provided additional information. Mr. Mormino responded to the complaint.

Member Cauthen, seconded by Member Johnson, motioned to find the office of Supervisor Jane Kim in violation of Sunshine Ordinance Sections 67.25(a) for not responding to an IDR before the close of the next business day, 67.21(b) for not responding to a request for information, 67.27 for failure to justify the withholding, and 67.26 for failure to keep withholding to a minimum.

Public Comment: Ray Hartz, Director of San Francisco Open Government, said City employees not only need to read the Sunshine Ordinance but also need to know its intent.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Johnson, Kne

Excused: Washburn, Knoebber, Chan

Absent: West

The matter was referred to the Compliance and Amendments Committee.

- I. 11029 Determination of jurisdiction on complaint filed by Suzanne Dumont against the Recreation and Parks Department for allegedly failing to respond to an Immediate Disclosure Request.  
  
Starts About 0:12:25 Vice Chair Wolfe, seconded by Member Cauthen, motioned to find jurisdiction.  
  
Public Comment: None  
  
The motion carried by the following vote.  
Ayes: Snyder, Cauthen, Costa, Wolfe, Chan, Kne  
Excused: Manneh, Washburn, Knoebber  
Absent: West
- I. 11029 Hearing on complaint filed by Suzanne Dumont against the Recreation and Parks Department for allegedly failing to respond to an Immediate Disclosure Request.  
  
Starts About 0:13:15 Complainant Suzanne Dumont was not present. Nobody in the audience presented facts and evidence in support of Ms. Dumont. The Recreation and Parks Department was not present. Nobody in the audience presented facts and evidence in support of the department.  
  
Public Comment: None  
  
Item was tabled without objection.
- I. 11030 Determination of jurisdiction on complaint filed by Charles Pitts against Supervisor Mark Farrell for allegedly failing to timely and honestly respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.  
  
Starts About 0:14:35 Vice Chair Wolfe, seconded by Member Costa, motioned to find jurisdiction.  
  
Public Comment: None  
  
The motion carried by the following vote.  
Ayes: Snyder, Cauthen, Costa, Wolfe, Chan, Kne  
Excused: Manneh, Washburn, Knoebber, Johanson  
Absent: West
- I. 11030 Hearing on complaint filed by Charles Pitts against Supervisor Mark Farrell for allegedly failing to timely and honestly respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.  
  
Starts About 0:15:25 Charles Pitts was not present. Supervisor Mark Farrell's legislative aide Catherine Stefani was present.  
And at 1:37:15 Matter tabled and later changed to postponed because Mr. Pitts was not present.  
  
Public Comment: None.  
  
Member Manneh was noted present at 4:23 p.m.  
  
The item was recalled about an hour later.  
  
Heard: Mr. Pitts explained the reason for his complaint. The respondent was not present. No one in the audience presented facts and evidence in support of the respondent. Ms. Stefani had left after the case was tabled because Mr. Pitts was not present.  
  
Member Cauthen noted excused at 6:45 p.m.  
  
Vice Chair Wolfe, seconded by Member Johnson, motioned to find the office of Supervisor Farrell in violation of Sunshine Ordinance Sections 67.25(a) for not responding to an IDR before the close of the next business day, 67.21(b) for not responding to a request for information, 67.27 for failure to justify the withholding, and 67.26 for failure to keep withholding to a minimum.  
  
Public Comment: Tomas Picarello said Supervisor Farrell's office responded to the IDR and asked for an extension but nothing else happened. Ray Harts, Director of San Francisco Open Government, said the lack of a response raises the question of whether the request for an extension was made illegally.  
  
The motion carried by the following vote.  
Ayes: Snyder, Manneh, Costa, Wolfe, Johnson, Kne  
Excused: Cauthen, Washburn, Knoebber, Chan  
Absent: West  
  
The matter was forwarded to the Compliance and Amendments Committee.
- I. 11031 Determination of jurisdiction on complaint filed by Charles Pitts against Supervisor Sean Elsbernd for allegedly failing to timely respond to an Immediate Disclosure Request for public records related to Shelter

Starts Monitoring Committee applications.

About  
0:19:00

Member Cauthen, seconded by Member Manneh, motioned to find jurisdiction.

Public Comment: None

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Knee

Excused: Washburn, Knoebber, Johnson

Absent: West

1.

11031

Hearing on complaint filed by Charles Pitts against Supervisor Sean Elsbernd for allegedly failing to timely respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.

Starts  
About  
0:19:45  
And at  
1:55:00

Charles Pitts was not present. Supervisor Sean Elsbernd's legislative aide Alexander Volberding was present.

Matter postponed because Mr. Pitts was not present.

Public Comment: None.

The item was recalled approximately one hour and 30 minutes later.

Heard: Complainant Charles Pitts presented his case. Tomas Picarello said Supervisor Elsbernd is relaying on a 30-year-old case appeals court case and not a Supreme Court decision. Ray Hartz, Director of San Francisco Open Government, said citizen have the right to look at the background of those appointed to boards and commissions to see if they really qualify for the position. Supervisor Elsbernd's aide Mr. Volberding was not present. He had left earlier when the case was tabled because Mr. Pitts was not present. The Task Force reopened the case after Mr. Pitts arrived.

Vice Chair Wolfe, seconded by Member Johnson, motioned to continue the case to June 28, 2011.

Public Comment: None

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Johnson, Knee

Excused: Washburn, Knoebber, Chan

Absent: West

1.

11032

Determination of jurisdiction on complaint filed by Tomas Picarello against the Clerk of the Board of Supervisors for allegedly not providing timely and accurate minutes regarding various Sunshine Task Force committees.

Starts  
About  
0:20:45

Member Cauthen, seconded by Member Manneh, motioned to find jurisdiction.

Public Comment: None

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Knee

Excused: Washburn, Knoebber, Johnson

Absent: West

1.

11032

Hearing on complaint filed by Tomas Picarello against the Clerk of the Board of Supervisors for allegedly not providing timely and accurate minutes regarding various Sunshine Task Force committees.

Starts  
About  
0:22:20

Heard: Complainant Tomas Picarello presented his case. Mr. Rustom spoke on behalf of the Clerk of the Board, the respondent.

Member Johnson was noted in at 4:30 p.m.

Vice Chair Wolfe, seconded by Member Costa, motioned to find the Clerk of the Board of Supervisors in violation of Section 67.16 because the minutes did not include what members had said and discussed.

Public Comment: Ray Hartz, Director of San Francisco Open Government, said the minutes gives a person who did not attend a particular meeting a brief description of what was said and done. Debra Benedict said key words with bullet points should be used to trigger a person's memory as to who said what.

The motion failed by the following vote.

Noes: Snyder, Cauthen, Manneh, Costa, Chan, Knee

Ayes: Wolfe, Johnson

Excused: Washburn, Knoebber

Absent: West

1.

11033

Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly failing to respond adequately to his April 6, 2011, request for information on certain funds.

Starts  
About  
2:18:15

Member Cauthen, seconded by Member Johnson, motioned to find jurisdiction.

Public Comment: None

The motion carried by the following vote.  
Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Johnson, Knee  
Excused: Washburn, Knoebber, Chan  
Absent: West

Member Cauthen noted excused at 6:19 p.m.

1. 11033 Hearing on complaint filed by William Clark against the Arts Commission for allegedly failing to respond adequately to his April 6, 2011, request for information on certain funds.

Starts  
About  
2:19:38

Heard: Complainant William Clark presented his case. The Arts Commission was not represented. No one in the audience presented facts and evidence in support of the Arts Commission.

Vice Chair Wolfe motioned to continue the matter but it died for lack of a second.

Member Johnson, seconded by Vice Chair Wolfe, motioned to find the Arts Commission in violation of Section 67.21(b), 67.22(a), 67.34, 67.21(e) for not sending a knowledgeable representative, 67.26 for not keeping withholding to a minimum, 67.27 for not providing justification for the withholding and California Public Records Act Sections 6253(d) and 6254c. The Task Force is also to write a letter to the Board of Supervisors.

Member Chan returned to the dais at 7:50 p.m.

Public Comment: Robert Clark said he thinks that the City Attorney and the Arts Commission realize that he and his brother are collecting evidence to prove that a ballot measure has been amended illegally and that funds from the street artists program have been embezzled. Ray Hartz, Director of San Francisco Open Government, said the governing body of the Arts Commission needs to know about how staff is ignoring the Sunshine Ordinance. Tomas Picarello said a letter to the District Attorney would be more appropriate because financial irregularities are involved.

The motion carried by the following vote.  
Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Johnson, Knee  
Excused: Washburn, Knoebber  
Absent: West

1. 11034 Determination of jurisdiction on complaint filed by Frank McDowell against the Metropolitan Transportation Agency for allegedly not providing adequate response to his March 16, 2011, request for information on a drive-cam.

Starts  
About  
3:22:45

Vice Chair Wolfe, seconded by Member Cauthen, motioned to find jurisdiction.

Public Comment: None

The motion carried by the following vote.  
Ayes: 8 - Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Johnson, Knee  
Excused: Washburn, Knoebber  
Absent: West

1. 11034 Hearing on complaint filed by Frank McDowell against the Metropolitan Transportation Agency for allegedly not providing adequate response to his March 16, 2011, request for information on a drive-cam.

Starts  
About  
3:23:45

Heard: Frank McDowell explained the reasons for his complaint. Dorian Maxwell spoke in support of Mr. McDowell. David Hill, Deputy Director of Transit Management for the San Francisco Metropolitan Transportation Agency, provided the response.

No motion was made.

Public Comment: Ray Hartz said most organizations do not collect statistics on ethnicity, sex or racial makeup unless they are forced to. The Police Department does it to show that they are not racial profiling when they make traffic stops, he said.

Vice Chair Wolfe, seconded by Member Cauthen, motioned to find the Metropolitan Transportation Agency in violation of Sunshine Ordinance Section 67.2 (b).

Public Comment: None.

The motion carried by the following vote.  
Ayes: 8 - Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Johnson, Knee  
Excused: Washburn, Knoebber  
Absent: West

1. Matter referred to the Education, Outreach and Training Committee.

Approval of January 4, 2011, special meeting minutes.

Member Cauthen, seconded by Member Chan, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneb

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

1. Approval of January 20, 2011, special meeting minutes.

Member Cauthen, seconded by Member Manneb, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneb

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

1. Approval of January 25, 2011, regular meeting minutes.

Member Cauthen, seconded by Member Snyder, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneb

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

1. Approval of February 17, 2011, special meeting minutes.

Continued to June 28, 2011, without objection.

1. Approval of February 22, 2011, regular meeting minutes.

Member Cauthen, seconded by Member Chan, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneb

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

1. Approval of March 17, 2011, special meeting minutes.

Member Cauthen, seconded by Member Chan, motioned to approve the minutes.

Public Comment: None.

The motion was carried by the following vote.

Ayes: Snyder, Cauthen, Manneb, Johnson, Knee

Noes: Costa, Wolfe, Chan

Excused: Washburn, Knoebber, West

1. Approval of March 22, 2011, regular meeting minutes.

Member Cauthen, seconded by Member Manneb, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneh

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

Continued to June 28, 2011, without objection.

1.

Approval of April 21, 2011, special meeting minutes.

Member Cauthen, seconded by Member Snyder, motioned to approve the minutes.

Public Comment: None.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Johnson, Knee

Noes: Wolfe

Excused: Washburn, Knoebber, West

1.

Approval of April 26, 2011, meeting minutes.

Member Cauthen, seconded by Member Manneh, motioned to approve the minutes.

Public Comment: None.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

1.

Approval of May 5, 2011, special meeting minutes.

Member Cauthen, seconded by Member Manneh, motioned to approve the minutes.

Public Comment: None.

The motion carried by the following vote.

Ayes: Snyder, Cauthen, Manneh, Chan, Knee

Noes: Costa, Wolfe, Johnson

Excused: Washburn, Knoebber, West

1.

Continued to June 28, 2011, without objection.

Approval of May 18, 2011, special meeting minutes.

1.

Continued to June 28, 2011, without objection.

Approval of March 10, 2011, Rules Committee meeting minutes.

Member Cauthen, seconded by Member Snyder, motioned to approve the minutes.

Public Comment: None.

The motion failed by the following vote.

Ayes: Snyder, Cauthen, Manneh

Noes: Costa, Wolfe, Chan, Johnson, Knee

Excused: Washburn, Knoebber, West

1.

Continued to June 28, 2011, without objection.

Report: Complaint Committee meeting of May 10, 2011.

Chair Knee, in the absence of Complaint Committee Chair James Knoebber, made the report.

1.

Report: Compliance and Amendments Committee meeting of May 10, 2011.

Chair Knee, in the absence of Compliance and Amendments Committee Chair Allyson Washburn, made the report.

1.

Report: Education, Outreach and Training Committee meeting of May 12, 2011.

Education, Outreach and Training Committee Chair Jay Costa made the report.

1.

Administrator's Report.

Mr. Rustom made the report.

1. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.  
  
Starts  
About 1:07:40  
Ray Hart said Supervisor Wiener may be taking aim at the Task Force with his proposed Charter Amendment that would allow the Board of Supervisors to amend or repeal initiative ordinances. Charles Pitts apologized for his tardiness and wanted to know where he goes to submit video clips in support of his complaints.
1. Announcements, comments, questions, and future agenda items from the Task Force members.  
  
Starts  
About 4:56:50  
Member Johnson said the California *Fair Political Practices Commission* has removed all of its investigative files that were on their website.  
  
Member Chan said the Task Force needs to work faster on the amendments for it to be on the November ballot.

**Adjournment**

*There being no further business, the Task Force adjourned at the hour of 9:10 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>

June 28, 2011

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, June 28, 2011  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Election of Officers: Chair and Vice Chair of the Sunshine Ordinance Task Force. (action item) (no attachment) (15 min)
2. 10054 The Education, Outreach and Training Committee has referred #10054\_Ray Hartz against the Library Commission back to the full Task Force. (action item) (no attachment) (15 min)
3. 11001 The Education, Outreach and Training Committee has referred #11001\_William Clark against the City Attorney's Office back to the full Task Force. (action item) (no attachment) (15 min)
4. 11002 The Education, Outreach and Training Committee has referred #11002\_William Clark against the City Attorney's Office back to the full Task Force. (action item) (no attachment) (15 min)
5. 11031 Continued hearing on complaint filed by Charles Pitts against Supervisor Sean Elsbernd for allegedly failing to timely respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications. (action item) (attachment) (30 min)



6. 11035 Determination of jurisdiction on complaint filed by Marlon Crump against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(d) and 67.25. (action item) (attachment) (5 min)
7. 11035 Hearing on complaint filed by Marlon Crump against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(d) and 67.25. (action item) (attachment) (30 min)
8. 11036 Determination of jurisdiction on complaint filed by Michael Petrelis against the Department of Public Works for allegedly not releasing public records related to the Merchants of Upper Market/Castro. (action item) (attachment) (5 min)
9. 11036 Hearing on complaint filed by Michael Petrelis against the Department of Public Works for allegedly not releasing public records related to the Merchants of Upper Market/Castro. (action item) (attachment) (30 min)
10. 11037 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly providing misinformation. (action item) (attachment) (5 min)
11. 11037 Hearing on complaint filed by William Clark against the Arts Commission for allegedly providing misinformation. (action item) (attachment) (30 min)
12. 11038 Determination of jurisdiction on complaint filed by Anonymous against the Taxi Advisory Council allegedly violating public meeting laws. (action item) (attachment) (5 min)
13. 11038 Hearing on complaint filed by Anonymous against the Taxi Advisory Council allegedly violating public meeting laws. (action item) (attachment) (30 min)
14. 11040 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not providing oral information. (action item) (attachment) (5 min)
15. 11040 Hearing on complaint filed by William Clark against the Arts Commission for allegedly not providing oral information. (action item) (attachment) (30 min)
16. 11041 Determination of jurisdiction on complaint filed by Christine Harris against the Police Department for allegedly violating her civil rights, constitutional rights and human rights. (action item) (attachment) (5 min)
17. 11041 Hearing on complaint filed by Christine Harris against the Police Department for allegedly violating her civil rights, constitutional rights and human rights. (action item) (attachment) (30 min)
18. 11043 Determination of jurisdiction on complaint filed by Alicia Gamez against the Department of Public Health for allegedly not providing her with certain documentation and also for allegedly violating open meeting laws. (action item) (attachment) (5 min)
19. 11043 Hearing on complaint filed by Alicia Gamez against the Department of Public Health for allegedly not providing her with certain documentation and also for allegedly violating open meeting laws. (action item) (attachment) (30 min)
20. Supervisor of Records Report (discussion and possible action) (15 min) (attachment)
21. Approval of January 4, 2011, special meeting minutes. (attachment) (action item) (5 min)
22. Approval of January 20, 2011, special meeting minutes. (attachment) (action item) (5 min)
23. Approval of January 25, 2011, regular meeting minutes. (attachment) (action item) (5 min)
24. Report: Complaint Committee meeting of June 14, 2011. (discussion and possible action item) (attachment) (5 min)

- 25. Report: Compliance and Amendments Committee meeting of June 14, 2011. (discussion and possible action item) (attachment) (5 min)
- 26. Report: Education, Outreach and Training Committee meeting of June 9, 2011. (discussion and possible action item) (attachment) (5 min)
- 27. Administrator's Report. (discussion) ( attachment) (5 min)
- 28. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
- 29. Announcements, comments, questions, and future agenda items from the Task Force members. (no action) (no attachment) (5 min)

**Adjournment  
2011.**

**Next regularly scheduled meeting: July 26,**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

### SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

- 3. Matter is with the Task Force for discussion and questions.
- 4. Respondent and Complainant presents clarification/rebuttal 3 minutes
- 5. Matter is with the Task Force for motion and deliberation.
- 6. Public comment (*Excluding Complainant & City response, witnesses*) Up to 3 minutes each
- 7. Vote by Task Force (*Public comment at discretion of chair on new motion and/or on new motion if vote fails.*)

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine__page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).

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June 28, 2011 (draft)

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
DRAFT MINUTES**

Tuesday, June 28, 2011  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder, Esq.	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

**Call to Order** 4:00 P.M.

**Roll Call** Present: Knee, Cauthen, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson  
Absent: Snyder, Manneh, West

**Agenda Changes:** Item 28 heard after Item 2.

**Deputy City Attorney:** Jerry Threet

**Clerk:** Linda Wong and Gail Johnson

**Member Washburn moved to excuse Member Snyder and Member Manneh.**

**Public Comment:** None.

The motion carried by the following vote:

**Ayes:** 7 - Cauthen, Washburn, Knoebber, Costa, Wolfe, Johnson, West, Knee.

**Absent:** 1 - West

1. Election of Officers: Chair and Vice Chair of the Sunshine Ordinance Task Force.

Member Washburn nominated Member Knee for a third term but he declined because he wanted to see the infusion of new energy and new ideas.

Member Chan nominated Member Wolf as chair.

Member Johnson nominated herself as chair.

Members Wolfe and Johnson made statements.

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**Public Comment:** Thomas Picarello said he was for either Member Wolfe or Member Johnson, but favored Member Johnson. Ray Hartz spoke in support of Member Johnson. Male Speaker spoke in favor of Member Johnson. Marlon Crump stated that he was here on the Police Commission item. Male Speaker spoke.

Members voting for Member Wolfe as chair were Members Washburn, Knoebber, Wolfe, and Knee.

Members voting for Member Johnson as chair were Members Cauthen; Costa, Chan, and Johnson.

The vote was 4-4.

Chair Knee changed his vote from Member Wolfe to Member Johnson as chair.

Member Johnson wins vote.

Member Knoebber nominated member Wolfe as vice chair.

**Public Comment:** Ray Hartz spoke in favor of Member Wolfe.

Members voting for Member Wolfe as vice chair were Members Cauthen, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, and Knee.

Member Wolfe wins vote.

2. 10054 The Education, Outreach and Training Committee has referred #10054 Ray Hartz against the Library Commission back to the full Task Force.

Member Cauthen spoke about the 150-word summary memorandum from the Library distributed by the Clerk to members of the Task Force.

**Heard:** Complainant Ray Hartz presented his case.

Tomas Picarello spoke.

Library Commission Secretary Sue Blackman gave copies of the current version of Library Commission minutes to members of the Task Force for their review. Ms. Blackman also stated that the Commission would continue to append the 150-word statement to the minutes, as they have been advised by the City Attorney that this is in compliance with the ordinance.

Male Speaker stated that Ms. Blackman should comply with the Task Force's order.

**Member Johnson moved to refer Library Commission President Jewelle Gomez to the Ethics Commission for willful violation of the Order of Determination; and to send letter to City Attorney Dennis Herrera insisting that the City Attorney's Office stop giving bad advice on this issue to the Library Commission.**

**The motion carried by the following vote:**

Ayes: 9 - Cauthen, Washburn, Knoebber, Costa, Wolfe, Chan, Johnson, West, Knee  
Excused: 2 - Snyder, Manneh

3. 11001 The Education, Outreach and Training Committee has referred #11001 William Clark against the City Attorney's Office back to the full Task Force.

**Heard:** Complainant William Clark presented his case. Jack Song of the City Attorney's Office presented a response.

DCA Threet discussed billing practices in the City Attorney's Office.

**Member Knee moved to find a willful violation of Section 67.26 and refer the matter to the Ethics Commission.**

**Public Comment:** Ray Hartz Robert Clark spoke in support of the motion. Male Speaker spoke in support of motion.

**The motion carried by the following vote:**

Ayes: 8 - Cauthen, Washburn, Knoebber, Costa, Wolfe, Chan, West, Knee  
Noes: 1 - Johnson  
Excused: 2 - Snyder, Manneh

4. 11002 The Education, Outreach and Training Committee has referred #11002 William Clark against the City Attorney's Office back to the full Task Force.

**Heard:** Complainant Clark presented his case. Jack Song of the City Attorney's Office presented a response.

Member Knoebber moved to Table this item:

**Public Comment:** Robert Clark spoke against the motion.

**The motion carried by the following vote:**

Ayes: 7 - Cauthen, Washburn, Knoebber, Costa, Johnson, West, Kne

Excused: 2 - Snyder, Manneh

Noes: 2 - Wolfe, Chan

5. 11031 Continued hearing on complaint filed by Charles Pitts against Supervisor Sean Elsbernd for allegedly failing to timely respond to an Immediate Disclosure Request for public records related to Shelter Monitoring Committee applications.

**Heard:** Complainant Charles Pitt presented his case. Supervisor Sean Elsbernd presented a response. DCA Jerry Threet said that the Board of Supervisors is legally required to have a records retention policy. He also stated that the character or record of a document determines how it is retained; it doesn't matter if it's electronic or paper. He stated that the Clerk did act as retention agent for the Board of Supervisors. Marlon Crump spoke. Thomas Picarello stated that Supervisor Elsbernd is the only Supervisor that ever showed up for a SOTT hearing. He also stated that Mr. Pitts' address was on the application.

**No motion was made.**

The matter was concluded.

6. 11035 Determination of jurisdiction on complaint filed by Marlon Crump against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(d) and 67.25.

**Motion made to determine jurisdiction.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 8 - Cauthen, Washburn, Costa, Wolfe, Chan, Johnson, West, Kne

Excused: 2 - Snyder, Manneh

Absent: 1 - Knoebber

Motion made to excuse Member Knoebber due to illness.

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 8 - Cauthen, Washburn, Costa, Wolfe, Chan, Johnson, West, Kne

Excused: 2 - Snyder, Manneh

Absent: 1 - Knoebber

7. 11035 Hearing on complaint filed by Marlon Crump against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(d) and 67.25.

**Heard:** Complainant Marlon Crump presented his case. Lieutenant Tim Falvey, Secretary to the Police Commission, presented a response, noting that he provided a DVD of the Police Commission meeting with his response. Christine Harris stated that the Office of Citizen Complaints protects cops. Thomas Picarello spoke. Charles Pitts spoke.

**Motion to continue to July 26, 2011, so that the Task Force can view the DVD.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 8 - Cauthen, Washburn, Costa, Wolfe, Chan, Johnson, West, Kne

Excused: 3 - Snyder, Manneh, Knoebber

8. 11036 Determination of jurisdiction on complaint filed by Michael Petrelis against the Department of Public Works for allegedly not releasing public records related to the Merchants of Upper Market/Castro.

**Motion to find jurisdiction.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 8 - Cauthen, Washburn, Costa, Wolfe, Chan, Johnson, West, Kne

Excused: 3 - Snyder, Manneh, Knoebber

9. 11036 Hearing on complaint filed by Michael Petrelis against the Department of Public Works for allegedly not releasing public records related to the Merchants of Upper Market/Castro.

**Heard:** Complainant Michael Petrelis presented his case. Frank Lee of the Department of Public Works presented a response.

**Public Comment:** None.

**No motion was made.**

The matter was concluded.

10. 11037 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly providing misinformation.

**Motion to excuse Member Chan.**

**The motion carried by the following vote:**

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 3 - Snyder, Manneh, Knoebber

Absent: 1 - Chan

**Motion to find jurisdiction.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 4 - Snyder, Manneh, Knoebber, Chan

11. 11037 Hearing on complaint filed by William Clark against the Arts Commission for allegedly providing misinformation.

**Heard:** Complainant William Clark presented his case. Respondent left the room while the Complainant was making his presentation. DCA Threat stated that Section 67.34 of the Sunshine Ordinance covers managerial employees.

**Member Knee moved to find the Arts Commission in violation of Sections 67.21(c), 67.21 (e), 67.28(a), and 67.34 and refer the matter to the Ethics Commission. The Task Force is also to write a letter to the Board of Supervisors.**

**Public Comment:** Robert Clark spoke in support of the motion. Christopher Fulkerson spoke in support of the motion.

**The motion carried by the following vote:**

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 4 - Snyder, Manneh, Knoebber, Chan

12. 11038 Determination of jurisdiction on complaint filed by Anonymous against the Taxi Advisory Council allegedly violating public meeting laws.

Christopher Fulkerson identified himself as the Complainant.

At 8:38 p.m., Member Knee announced that at 9:00 p.m. Deputy City Attorney Jerry Threat leaves the meeting. He also stated that the voting member of the Task Force who is an attorney had been excused.

**Motion to find jurisdiction.**

**The motion carried by the following vote:**

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 4 - Snyder, Manneh, Knoebber, Chan

13. 11038 Hearing on complaint filed by Anonymous against the Taxi Advisory Council allegedly violating public meeting laws.

**Heard:** Complainant Christopher Fulkerson presented his case.

**Member Wolfe moved to find the Taxi Advisory Council in violation of Sections 67.7, 67.21(e) and 67.28(a), and 54954.2 of the Brown Act and refer the matter to the Education, Outreach and Training Committee.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 6 - Cauthen, Washburn, Costa, Wolfe, Johnson, Knee

Excused: 4 - Snyder, Manneh, Knoebber, Chan

Absent: 1 - West

14. 11040 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly not providing oral information.

**Motion to find jurisdiction.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 4 - Snyder, Manneh, Knoehher, Chan

15. 11040 Hearing on complaint filed by William Clark against the Arts Commission for allegedly not providing oral information.

**Heard:** Complaint William Clark announced that his brother, Robert, is a Co-Complainant in this case. Complainant William Clark presented his case.

**Member Cauthen moved to find the Arts Commission in violation of Section 67.21(e).**

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 4 - Snyder, Manneh, Knoehher, Chan

16. 11041 Determination of jurisdiction on complaint filed by Christine Harris against the Police Department for allegedly violating her civil rights, constitutional rights and human rights.

Member Knee stated that the Complaint Committee recommended finding no jurisdiction.

Complainant Christine Harris said that she filed this complaint two weeks ago.

**Member Wolfe, seconded by Member Johnson, moved to find no jurisdiction.**

**Public Speakers:** None.

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee

Excused: 4 - Snyder, Manneh, Knoehher, Chan

17. 11041 Hearing on complaint filed by Christine Harris against the Police Department for allegedly violating her civil rights, constitutional rights and human rights.

Hearing on complaint was not held because the Task Force did not find jurisdiction.

Matter concluded.

18. 11043 Determination of jurisdiction on complaint filed by Alicia Gamez against the Department of Public Health for allegedly not providing her with certain documentation and also for allegedly violating open meeting laws.

Member Cauthen asked to be recused because of her contacts with Thomas Rivard, who was representing the Department of Public Health.

**Vice Chair Wolfe, seconded by Member Johnson, moved to recuse Member Cauthen.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee.

Excused: 4 - Snyder, Manneh, Knoehher, Chan

Member Cauthen then indicated she was leaving for the evening.

**Vice Chair Wolfe moved to excuse Member Cauthen.**

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 7 - Cauthen, Washburn, Costa, Wolfe, Johnson, West, Knee.

Excused: 4 - Snyder, Manneh, Knoehher, Chan

**Vice Chair Wolfe, seconded by Member Washburn, moved to find jurisdiction.**

**Public Comment:** None.



**The motion carried by the following vote:**

Ayes: 6 - Washburn, Costa, Wolfe, Johnson, West, Kline.

Excused: 5 - Snyder, Cauthen, Manneh, Knoebber, Chan

19. 11043 Hearing on complaint filed by Alicia Gamez against the Department of Public Health for allegedly not providing her with certain documentation and also for allegedly violating open meeting laws.
- Continued to July 26, 2011.
20. Supervisor of Records Report.
- Continued to July 26, 2011.
21. Approval of January 4, 2011, special meeting minutes.
- Continued.
22. Approval of January 20, 2011, special meeting minutes.
- Continued.
23. Approval of January 25, 2011, regular meeting minutes.
- Continued.
24. Report: Complaint Committee meeting of June 14, 2011.
- Continued.
25. Report: Compliance and Amendments Committee meeting of June 14, 2011.
- Continued.
26. Report: Education, Outreach and Training Committee meeting of June 9, 2011.
- Continued.
27. Administrator's Report.
- Continued.
28. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.
- Thomas Picarello stated that he had requested the SOTF to tell him how many Orders of Determination it had sent to the Ethics Commission. He also said the Task Force needs to be more proactive. Ray Hartz stated that the City Attorney's Communications Director has said that the SOTF is out to get City employees. He said the Communications Director and the City Attorney owe the Task Force an apology. Male Speaker said that Deputy City Attorney Jana Clark is also Deputy City Attorney on SOTF. Marlon Crump.
29. Announcements, comments, questions, and future agenda items from the Task Force members.
- Continued.

**Adjournment**

*The hour being close to City Hall closing time, the Task Force adjourned at the hour of 10:48 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>





July 26, 2011

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

**GOVERNMENT  
DOCUMENTS DEPT**

JUL 22 2011

Tuesday, July 26, 2011  
4:00 p.m., City Hall, Room 408

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**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee (Chair)	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson (Chair)
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. 11023 The Compliance and Amendments Committee has recommended that Street Artists Program Director Howard Lazar be referred to the District Attorney and the Board of Supervisors for failure to comply with the Order of Determination in File No. 11023\_ William Clark v Arts Commission. (action item) (attachment) (15 min)
2. 11013 The Compliance and Amendments Committee has recommended that John St. Croix of the Ethics Commission and Tonia Lediju of the Controller's Office be found in willful violation and official misconduct for failure to comply with the Order of Determination in File No. 11013\_ Patrick Monette-Shaw v the Controller's Office and the Ethics Commission, the matter be forwarded to the District Attorney and the Ethics Commission for enforcement, and a copy of the referral letter be sent to the San Francisco Civil Grand Jury. (action item) (attachment) (15 min)
3. 11014 The Compliance and Amendments Committee has recommended that John St. Croix of the Ethics Commission be found in willful violation and official misconduct for failure to comply with the Order of Determination in File No. 11014\_ Patrick Monette-Shaw v the Ethics Commission, the matter be forwarded to the District Attorney and the Ethics Commission for enforcement, and a copy of the referral letter be sent to the San Francisco Civil Grand Jury. (action item) (attachment) (15 min)

4. 11016 The Compliance and Amendments Committee has recommended that Carolyn Celaya of the San Francisco Municipal Transportation Agency be referred to the Ethics Commission for failure to comply with the Order of Determination in File No. 11016 Andrew Sisneros against the SFMTA, and for assistance in the production of records that Mr. Sisneros seeks. (action item) (attachment) (15 min)
5. 11028 The Compliance and Amendments Committee has recommended that the Task Force send a letter to Members of the Board of Supervisors regarding email retention in File No. 11028 \_Charles Pitts v Supervisor Jane Kim, and also to remind them of their obligations under Section 67.21(c). (action item) (attachment) (15 min)
6. 11030 The Compliance and Amendments Committee has recommended that the Task Force send a letter to Members of the Board of Supervisors regarding email retention in File No. 11030 \_Charles Pitts v Supervisor Mark Farrell, and also to remind them of their obligations under Section 67.21(c). (action item) (attachment) (15 min)
7. Next steps on Ethics Commission proposed policy for handling Sunshine-related complaints. (discussion and possible action) (15 min) (attachment)
8. 10071 Hearing on complaint filed by Jason Grant Garza against the Haight Ashbury Free Clinics for not providing him with documents related to two visits he made in 2010. (action item) (attachment) (30 min)
9. 11035 Continued hearing on complaint filed by Marlon Crump against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(d) and 67.25. (action item) (attachment) (30 min)
10. 11043 Continued hearing on complaint filed by Alicia Gamez against the Department of Public Health for allegedly not providing her with certain documentation and also for allegedly violating open meeting laws. (action item) (attachment) (30 min)
11. 11044 Determination of jurisdiction on complaint filed by Allen Grossman against the Assessor-Recorder's Office for allegedly failing to respond within 10 days for public records. (action item) (attachment) (10 min)
12. 11044 Hearing on complaint filed by Allen Grossman against the Assessor-Recorder's Office for allegedly failing to respond within 10 days for public records. (action item) (attachment) (30 min)
13. 11051 Determination of jurisdiction on complaint filed by the San Francisco Urban Forest Coalition against the Assessor-Recorder's Office for allegedly withholding documents. (action item) (attachment) (10 min)
14. 11051 Hearing on complaint filed by the San Francisco Urban Forest Coalition against the Assessor-Recorder's Office for allegedly withholding documents. (action item) (attachment) (30 min)
15. 11045 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly violating Sections 67.22(e) and 67.21(b) of the Sunshine Ordinance. (action item) (attachment) (10 min)
16. 11045 Hearing on complaint filed by William Clark against the Arts Commission for allegedly violating Sections 67.22(e) and 67.21(b) of the Sunshine Ordinance. (action item) (attachment) (30 min)
17. 11047 Determination of jurisdiction on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum. (action item) (attachment) (10 min)
18. 11047 Hearing on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum. (action item) (attachment) (30 min)
19. 11042 Determination of jurisdiction on complaint filed by Cynthia Carter against the San

Francisco Municipal Transportation Agency for allegedly denying her access to her personnel file. (action item)(attachment) (10 min)

20. 11042 Hearing on complaint filed by Cynthia Carter against the San Francisco Municipal Transportation Agency for allegedly denying her access to her personnel file. (action item) (attachment) (30 min)
21. 11048 Determination of jurisdiction on complaint filed by Pastor Gavin against Supervisors Chiu and Supervisor Mar for allegedly violating Sunshine Ordinance requirements for public notices and agendas. (action item) (attachment) (10 min)
22. 11048 Hearing on complaint filed by Pastor Gavin against Supervisors Chiu and Supervisor Mar for allegedly violating Sunshine Ordinance requirements for public notices and agendas. (action item) (attachment) (30 min)
23. 11049 Determination of jurisdiction on complaint filed by George Wooding against the Recreation and Park Department for allegedly withholding correspondence. (action item) (attachment) (10 min)
24. 11049 Hearing on complaint filed by George Wooding against the Recreation and Park Department for allegedly withholding correspondence. (action item) (attachment) (30 min)
25. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to eliminate or suspend the Complaint Committee. (discussion and action item) (attachment) (15 minutes)
26. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to create a Technology Committee. (discussion and action item) (attachment) (15 minutes)
27. Discussion on the possible replacement of the City Attorney's Office representative as legal counsel for the Task Force. (discussion and possible action) (no attachment) (15 min)
28. Supervisor of Records Report. (discussion and possible action) (15 min) (attachment)
29. Approval of January 4, 2011, special meeting minutes. (attachment) (action item) (5 min)
30. Approval of January 20, 2011, special meeting minutes. (attachment) (action item) (5 min)
31. Approval of January 25, 2011, regular meeting minutes. (attachment) (action item) (5 min)
32. Report: Complaint Committee meeting of July 12, 2011. (discussion and possible action item) (attachment) (5 min)
33. Report: Compliance and Amendments Committee meeting of July 12, 2011. (discussion and possible action item) (attachment) (5 min)
34. Report: Education, Outreach and Training Committee meeting of July 14, 2011. (discussion and possible action item) (attachment) (5 min)
35. Administrator's Report. (discussion) ( attachment) (5 min)
36. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
37. Announcements, comments, questions, and future agenda items from the Task Force members. (no action) (no attachment) (5 min)

**Adjournment  
2011.**

**Next regularly scheduled meeting: Aug. 23,**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

### SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

- |  |                      |
|--|----------------------|
| 3. Matter is with the Task Force for discussion and questions.   |                      |
| 4. Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. Matter is with the Task Force for motion and deliberation.  |                      |
| 6. Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of

cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).





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July 26, 2011 (draft)

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
DRAFT MINUTES**

Tuesday, July 26, 2011  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder, Esq.	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson (Chair)
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

**Call to Order 4:00 P.M.**

**Roll Call** Present: Snyder, Cauthen, Manneh, Washburn, Costa, Wolfe, Chan, Johnson, West  
Absent: Knee, Knoebber

**Agenda Changes:** Item 36 heard after Item 1, Items 23 and 24 heard after Item 10, and Items 5 and 6 called as one.

**Deputy City Attorney:** Jerry Threet

**Clerk:** Chris Rustom

**Wolfe, seconded by Member West, motioned to excuse Member Knee.**

**Public Comment:** Jason Grant Garza.

The motion carried by the following vote:

**Ayes:** 9 - Snyder, Cauthen, Manneh, Washburn, Costa, Wolfe, Chan, West, Johnson

**Absent:** 2 - Knee, Knoebber

1.

11023 The Compliance and Amendments Committee has recommended that Street Artists Program Director Howard Lazar be referred to the District Attorney and the Board of Supervisors for failure to comply with the Starts around Order of Determination in File No. 11023. William Clark v Arts Commission.

0:10:25

**Heard:** Complainant William Clark spoke on the referral. Respondent was represented by Arts Commission's Director of Programs Jill Manton.

**Member Snyder, seconded by Wolfe, motioned to refer Street Artists Program Director Howard Lazar to the District Attorney and the Board of Supervisors for failure to comply**

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with the Order of Determination in File No. 11023. William Clark v Arts Commission. The Order of Determination and the Controller's report on the Arts Commission are to be attached to the referral.

**Public Comment:** Patrick Monette-Shaw said the Task Force should only tack on more charges to those already found by the Compliance and Amendments Committee. Mike Addario said he supported the motion because street artists want to know their money was spent.

**The motion carried on the following vote:**

Ayes: 9 - Snyder, Cauthen, Manneh, Washburn, Costa, Wolfe, Chan, West, Johnson  
Excused: 2 - Knee, Knoebber

2.

11013 The Compliance and Amendments Committee has recommended that John St. Croix of the Ethics Commission and Tonia Lediju of the Controller's Office be found in willful violation and official misconduct for failure to comply with the Order of Determination in File No. 11013. Patrick Monette-Shaw v the Controller's Office and the Ethics Commission, the matter be forwarded to the District Attorney and the Ethics Commission for enforcement, and a copy of the referral letter be sent to the San Francisco Civil Grand Jury.

1:16:32

**Heard:** Patrick Monette-Shaw spoke on the referral. John St. Croix of the Ethics Commission and Tonia Lediju of the Controller's Office had nothing to add to their prior statements.

**Member Washburn, seconded by Member Costa, motioned to accept the recommendation of the Compliance and Amendments Committee and to have a copy of the referral sent to Mayor Ed Lee and the San Francisco Civil Grand Jury.**

**Public Comment:** JGG said he was denied health care at Healthy San Francisco when Mayor Lee was the City Administrator; and when he tried to complain, he was told by staff that they do not accept complaints. Based on his experience, he questioned the value of sending a copy of the referral to Mayor Lee. Tomas Picarello said the Task Force should consult with the City Attorney's Office because the motions are deviating for the agenda language.

**The motion carried on the following vote:**

Ayes: 9 - Snyder, Cauthen, Manneh, Washburn, Costa, Wolfe, Chan, West, Johnson  
Excused: 2 - Knee, Knoebber

3.

11014 The Compliance and Amendments Committee has recommended that John St. Croix of the Ethics Commission be found in willful violation and official misconduct for failure to comply with the Order of Determination in File No. 11014. Patrick Monette-Shaw v the Ethics Commission, the matter be forwarded to the District Attorney and the Ethics Commission for enforcement, and a copy of the referral letter be sent to the San Francisco Civil Grand Jury.

1:42:00

**Heard:** Patrick Monette-Shaw spoke on the referral. John St. Croix of the Ethics Commission did not make a statement.

**Member Cauthen, seconded by Member Costa, motioned to accept the recommendation of the Compliance and Amendments Committee and to have a copy of the referral sent to Mayor Ed Lee and the San Francisco Civil Grand Jury.**

**Public Comment:** Dr. Derek Kerr said the whistleblower program was under Mayor Lee when he was the City Administrator. He said he and Dr. Maria Rivero were the whistleblowers involved in Mr. Monette-Shaw's complaint. Allen Grossman reminded the Task Force that the Executive Director of the Ethics Commission is not a mayoral appointee. Ray Hartz, Director San Francisco Open Government, said the Mayor needs to know more about how many department heads and employees are violating the Sunshine Ordinance by denying the citizens of the City and County of San Francisco their rights. The mayor, he said, is the only person in the city who could make the Sunshine Ordinance really work for the public.

**The motion carried on the following vote:**

Ayes: 9 - Snyder, Cauthen, Manneh, Washburn, Costa, Wolfe, Chan, West, Johnson  
Excused: 2 - Knee, Knoebber

4.

11016 The Compliance and Amendments Committee has recommended that Carolyn Celaya of the San Francisco Municipal Transportation Agency be referred to the Ethics Commission for failure to comply with the Order of Determination in File No. 11016. Andrew Sisneros against the SFMTA, and for assistance in the production of records that Mr. Sisneros seeks.

1:56:00

**Heard:** Andrew Sisneros spoke on the referral. The Respondent was not present. No one in the audience presented facts and evidence on behalf of the Respondent.

**Member Cauthen, seconded by Member Costa, motioned to accept the recommendation of the Compliance and Amendments Committee and to add a violation of Section 67.21(c) for not sending a knowledgeable person to the hearing.**

**Public Comment:** Steve Zeltzer of United Public Workers for Action said there seem to be systemic retaliation against employees who file complaints with the Task Force as well as with Cal/OSHA. He said that

by not appearing, the department representatives are showing their contempt to the residents of the City and County of San Francisco who are paying their salaries. David Reardon said he is a Muni bus operator and has personally perceived unethical behavior at many managerial levels. Allen Grossman said the person who runs MTA should be added to the referral if the Task Force wants to add willful failure. Ray Hartz, Director San Francisco Open Government, said one reason for the non-appearance could be that they now know they are in the wrong and do not know how to get out of the embarrassing situation. Michael J. Benardo said he is a Muni bus operator and is fed up with the firing of employees. He said San Francisco is a union town and should not be treated like other cities. Jason Grant Garza said the Ethics Commission would respond the same way as before because the Task Force has still not responded to the commission's proposed policy on handling complaints.

Member Chan noted absent.

**The motion carried on the following vote:**

Ayes: 8 - Snyder, Cauthen, Manneh, Washburn, Costa, Wolfe, West, Johnson

Excused: 2 - Kneee, Knoebber

Absent: 1 - Chan

5. 11028 The Compliance and Amendments Committee has recommended that the Task Force send a letter to Members of the Board of Supervisors regarding email retention in File No. 11028 \_Charles Pitts v Supervisor Jane Kim, and also to remind them of their obligations under Section 67.21(c).

**Heard:** Charles Pitts spoke on the referral. Legislative aide Christine Stephanie spoke on behalf of Supervisor Mark Farrell and Supervisor Jane Kim.

**Wolfe, seconded by Member West, motioned to accept the recommendation of the Compliance and Amendments Committee.**

**Public Comment:** Jason Grant Garza questioned the wisdom of sending the letters because members of the Board of Supervisors are supposed to know the law and teach others how to follow the law. Tomas Picarello said Mr. Pitts' request included other documentation besides emails. Mr. Pitts, he said, did not get the relief he was seeking from the Task Force. David Reardon said as a Muni bus operator he had to follow rules that were several inches thick and was surprised to hear that Supervisor Sean Elsbernd did not know the rules governing email retention. Ray Hartz, Director San Francisco Open Government, said the supervisors are working on assumptions whereas they should be sitting down with the Clerk of the Board and discussing the requirements.

**The motion carried on the following vote:**

Ayes: 8 - Snyder, Cauthen, Manneh, Washburn, Costa, Wolfe, West, Johnson

Excused: 2 - Kneee, Knoebber

Absent: 1 - Chan

6. 11030 The Compliance and Amendments Committee has recommended that the Task Force send a letter to Members of the Board of Supervisors regarding email retention in File No. 11030 \_Charles Pitts v Supervisor Mark Farrell, and also to remind them of their obligations under Section 67.21(c).

7. Next steps on Ethics Commission proposed policy for handling Sunshine-related complaints.

3:01:45 **Heard:** Compliance and Amendments Committee Chair Allyson Washburn explained the accomplishments that have been made since receiving the proposal from the Ethics Commission. Allen Grossman described the manner and approach he and Member Snyder took to edit the document.

**Public Comment:** Ray Hartz, Director San Francisco Open Government, suggested sending the letter directly to the Ethics Commissioners and let them give it to their staff. He also said the Task Force should expect stiff opposition to the proposal from Ethics Commission staff. Jason Grant Garza wanted to know what the Task Force would do if the Ethics Commission rejected the proposal. He said one solution would be for the Task Force to make public the hurdles it faces and then step down till more authority is granted.

**Member Costa, seconded by Member Manneh, motioned to accept and approve the proposed document and have it sent to the Compliance and Amendments Committee for final transmittal to the Ethics Commission.**

Public Comment: None.

**The motion carried on the following vote:**

Ayes: 8 - Snyder, Cauthen, Manneh, Washburn, Costa, Wolfe, West, Johnson

Excused: 2 - Kneee, Knoebber

Absent: 1 - Chan

8. 10071 Hearing on complaint filed by Jason Grant Garza against the Haight Ashbury Free Clinics for not providing him with documents related to two visits he made in 2010.

3:49:08

**Heard:** Jason Grant Garza presented his case. Denise Williams, the Compliance Director at Haight Ashbury Free Clinics, provided the response.

**Public Comment:** None.

No motion was made. Matter concluded.

9. 11035 Continued hearing on complaint filed by Marlon Crump against the Police Commission for allegedly violating Sunshine Ordinance Sections 67.15(d) and 67.25.
- 4:19:10 **Heard:** Complainant Marlon Crump presented his case. The Respondent was Lt. Eric Vintero of the Police Department.

**Public Comment:** Ray Hartz, Director San Francisco Open Government, said Police Commission President Thomas Mazzeo and Vice President Joe Marshal have repeatedly violated his constitutional right by interrupting him while he is providing public comment at commission meetings. He also said the Task Force needs to see if the commission was intimidating because that would indicate a power play.

No motion was made. Matter is concluded.

10. 11043 Continued hearing on complaint filed by Alicia Gamez against the Department of Public Health for allegedly not providing her with certain documentation and also for allegedly violating open meeting laws.
- 4:53:15 **Heard:** Alicia Gamez presented her case. Morning Star also spoke on behalf of the complainant. Tom Rivard of the Department of Public Health provided the response.

Vice Chair Wolfe, seconded by Member Washburn, motioned to find Tom Rivard and the Noise Ordinance Task Force in violation of Sunshine Ordinance Sections 67.6 for not announcing the time and place of the meetings, 67.7 for not meeting agenda requirements for regular meetings, 67.7-1 for not meeting public notice requirements for meetings, 67.9 for not making agendas and related materials public, 67.13 for preventing the public to attend meetings, 67.15 for not allowing public testimony at meetings, 67.16 for not providing the meeting minutes, 67.21 for preventing access to public records, 67.22 for not releasing oral public information, 67.25 for not responding in a timely manner, 67.26 for withholding records, 67.27 for not providing written justifications for withholding of records, 67.29-7 for not maintaining correspondence and records, Section 6253 of the California Public Records Act for not meeting the time limits set for responding to public records requests Brown Act Sections 54953 for not meeting the requirement that meetings be open and public, 54954 for not announcing the time and place of regular meetings, 54954.2 for not posting agendas, and 54954.3 for not allowing public testimony. The Noise Ordinance Task Force was ordered to appear before the Compliance and Amendments Committee on August 9, 2011, to show how the violations have been rectified. The Committee was ordered to refer the matter back to the Task Force with a recommendation that letters be sent to the Director of Public Health, the Board of Supervisors and the Mayor expressing concern that the Noise Ordinance Task Force is meeting without guidelines. The letters are to include copies, if any, of suggestions made by the Noise Ordinance Task Force to the Board of Supervisors.

**Public Comment:** Patrick Monette-Shaw said he did not understand how the task force posted agendas and yet did not allow the public to participate. He said the department violates the agenda requirements countless times by not clearly providing the topic of discussion. That violation, he said, should be part of the motion.

**The motion carried on the following vote:**

Ayes: 7 - Manneh, Washburn, Costa, Wolfe, Chan, West, Johnson

Excused: 2 - Kneeb, Knoebber

Absent: 1 - Snyder

Recused: 1 - Cauthen

Chair Johnson, seconded by Member Costa, motioned to find the Department of Public Health and Dr. Bathia, in violation of Sections 67.21 for preventing access to public records, 67.22 for not releasing oral public information, 67.25 for not responding in a timely manner, 67.26 for withholding records, and 67.27 for not providing written justification for withholding of records. The matter was forwarded to the Compliance and Amendments Committee.

**Public Comment:** None.

**The motion carried on the following vote:**

Ayes: 7 - Manneh, Washburn, Costa, Wolfe, Chan, West, Johnson

Excused: 2 - Kneeb, Knoebber

Absent: 1 - Snyder

Recused: 1 - Cauthen

11. 11044 Determination of jurisdiction on complaint filed by Allen Grossman against the Assessor-Recorder's Office for allegedly failing to respond within 10 days for public records. (action item) (attachment) (10 min)
- Continued.

12. 11044 Hearing on complaint filed by Allen Grossman against the Assessor-Recorder's Office for allegedly failing to respond within 10 days for public records.  
  
Continued.
13. 11051 Determination of jurisdiction on complaint filed by the San Francisco Urban Forest Coalition against the Assessor-Recorder's Office for allegedly withholding documents.  
  
Continued.
14. 11051 Hearing on complaint filed by the San Francisco Urban Forest Coalition against the Assessor-Recorder's Office for allegedly withholding documents.  
  
Continued.
15. 11045 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly violating Sections 67.22(e) and 67.21(b) of the Sunshine Ordinance.  
  
Continued.
16. 11045 Hearing on complaint filed by William Clark against the Arts Commission for allegedly violating Sections 67.22(c) and 67.21(b) of the Sunshine Ordinance.  
  
Continued.
17. 11047 Determination of jurisdiction on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum.  
  
Continued.
18. 11047 Hearing on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum.  
  
Continued.
19. 11042 Determination of jurisdiction on complaint filed by Cynthia Carter against the San Francisco Municipal Transportation Agency for allegedly denying her access to her personnel file.  
  
Continued.
20. 11042 Hearing on complaint filed by Cynthia Carter against the San Francisco Municipal Transportation Agency for allegedly denying her access to her personnel file.
22. 11048 Determination of jurisdiction on complaint filed by Pastor Gavin against Supervisors Chiu and Supervisor Mar for allegedly violating Sunshine Ordinance requirements for public notices and agendas.  
  
Continued.
23. 11048 Hearing on complaint filed by Pastor Gavin against Supervisors Chiu and Supervisor Mar for allegedly violating Sunshine Ordinance requirements for public notices and agendas.  
  
Continued.
24. 11049 Determination of jurisdiction on complaint filed by George Wooding against the Recreation and Park Department for allegedly withholding correspondence.

6:11:30

**Member West, seconded by Member Manneh, motioned to find jurisdiction.**

**Public Comment:** None

**The motion carried on the following vote:**

Ayes: 7 – Cauthen, Manneh, Washburn, Costa, Wolfe, West, Johnson

Excused: 2 – Kneeb, Knoebber

Absent: 1 – Snyder, Chan

25. 11049 Hearing on complaint filed by George Wooding against the Recreation and Park Department for allegedly withholding correspondence.

**Heard:** Complainant George Wooding presented his case. Olive Gong of the Recreation and Park Department provided the response.

**Chair Johnson, seconded by Vice Chair Wolfe, motioned to find Mark Buell of the Recreation and Parks Commission, and Philip Ginsburg, Sara Ballard and Olive Gong of the Department of Recreation and Park in violation of Sections 67.25 for failure to respond to the Immediate**



August 23, 2011

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, August 23, 2011  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson (Chair)
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. 11048 Determination of jurisdiction on complaint filed by Pastor Gavin against Supervisor Chiu and Supervisor Mar for allegedly violating Sunshine Ordinance requirements for public notices and agendas. (action item) (attachment) (10 min)
2. 11048 Hearing on complaint filed by Pastor Gavin against Supervisor Chiu and Supervisor Mar for allegedly violating Sunshine Ordinance requirements for public notices and agendas. (action item) (attachment) (30 min)
3. 11043 Hearing on the status of the July 26, 2011, Order of Determination of Alicia Gamez v Department of Public Health. (action item) (attachment) (15 minutes)
4. 11045 Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly violating Sections 67.22(e) and 67.21(b) of the Sunshine Ordinance. (action item) (attachment) (10 min)
5. 11045 Hearing on complaint filed by William Clark against the Arts Commission for allegedly violating Sections 67.22(e) and 67.21(b) of the Sunshine Ordinance. (action item) (attachment) (30 min)
6. 11047 Determination of jurisdiction on complaint filed by Dorian Maxwell against the San



- Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum. (action item) (attachment) (10 min)
7. 11047 Hearing on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum. (action item) (attachment) (30 min)
  8. 11042 Determination of jurisdiction on complaint filed by Cynthia Carter against the San Francisco Municipal Transportation Agency for allegedly denying her access to her personnel file. (action item)(attachment) (10 min)
  9. 11042 Hearing on complaint filed by Cynthia Carter against the San Francisco Municipal Transportation Agency for allegedly denying her access to her personnel file. (action item) (attachment) (30 min)
  10. 11046 Determination of jurisdiction on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress. (action item) (attachment) (10 min)
  11. 11046 Hearing on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress (action item) (attachment) (30 min)
  12. 11054 Determination of jurisdiction on complaint filed by Ray Hartz against Luis Herrera of the Public Library for allegedly failing to include his 150-word summaries in the body of the minutes. (action item)(attachment) (10 min)
  13. 11054 Hearing on complaint filed by Ray Hartz against Luis Herrera of the Public Library for allegedly failing to include his 150-word summaries in the body of the minutes. (action item)(attachment) (30 min)
  14. 11055 Determination of jurisdiction on complaint filed by Ray Hartz against Luis Herrera of the Public Library for allegedly failing to assist in identifying documents. (action item) (attachment) (10 min)
  15. 11055 Hearing on complaint filed by Ray Hartz against Luis Herrera of the Public Library for allegedly failing to assist in identifying documents. (action item)(attachment) (30 min)
  16. 11056 Determination of jurisdiction on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information. (action item)(attachment) (10 min)
  17. 11056 Hearing on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information. (action item)(attachment) (30 min)
  18. Issuing public reports evaluating compliance with the Sunshine Ordinance and related California laws by City Departments and Officials pursuant to Sec. 67.30(c). (discussion and possible action item) (15 min)
  19. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to eliminate or suspend the Complaint Committee. (discussion and action item) (attachment) (15 minutes)
  20. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to create a Technology Committee. (discussion and action item) (attachment) (15 minutes)
  21. Supervisor of Records Report. (discussion and possible action) (15 min) (attachment)
  22. Approval of January 4, 2011, special meeting minutes. (attachment) (action item) (5 min)
  23. Approval of January 20, 2011, special meeting minutes. (attachment) (action item) (5 min)

24. Approval of January 25, 2011, regular meeting minutes. (attachment) (action item) (5 min)
25. Report: Compliance and Amendments Committee meeting of August 9, 2011. (discussion and possible action item) (attachment) (5 min)
26. Administrator's Report. (discussion) ( attachment) (5 min)
27. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
28. Announcements, comments, questions, and future agenda items from the Task Force members. (no action) (no attachment) (5 min)

**Adjournment  
2011.**

**Next regularly scheduled meeting: Sept. 27,**

**THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244**

### **SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES**

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

3. Matter is with the Task Force for discussion and questions.
4. Respondent and Complainant presents clarification/rebuttal 3 minutes
5. Matter is with the Task Force for motion and deliberation.
6. Public comment (*Excluding Complainant & City response, witnesses*) Up to 3 minutes each
7. Vote by Task Force (*Public comment at discretion of chair on new motion and/or on new motion if vote fails.*)

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).

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August 23, 2011 (draft)

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
DRAFT MINUTES**

Tuesday, August 23, 2011  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder, Esq.	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson (Chair)
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

**Call to Order** 4:20 P.M.

**Roll Call** Present: Snyder, Knee, Washburn, Costa, West, Johnson  
Absent: Cauthen, Manneh, Knoebber, Wolfe, Chan

**Agenda Changes:** Item 27 heard after Item 2.

**Deputy City Attorney:** Jerry Threet

**Clerk:** Chris Rustom

**Member Knee, seconded by Member Washburn, motioned to excuse Members Cauthen, Manneh, Knoebber, Wolfe and Chan.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 6 - Snyder, Knee, Washburn, Costa, West, Johnson  
Absent: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

1.

11048 Determination of jurisdiction on complaint filed by Pastor Gavin against Supervisor Chiu and Supervisor Mar for allegedly violating Sunshine Ordinance requirements for public notices and agendas.

Starts about 0:18:00 **Member Knee, seconded by Member Snyder, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion carried by the following vote:**

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Ayes: 6 - Snyder, Kneese, Washburn, Costa, West, Johnson  
 Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

2.

11048

Hearing on complaint filed by Pastor Gavin against Supervisor Chiu and Supervisor Mar for allegedly violating Sunshine Ordinance requirements for public notices and agendas.

**Heard:** Complainant Pastor Gavin presented her complaint. Speaking in support of the complainant were four members of the public who wished to remain anonymous, Laura Traveler of the Parkmeared Action Coalition, Mitchell Omerberg of the Affordable Housing Alliance and Steve Zeltzer of United Public Workers for Action. Lin-Shao Chin, and aide to Supervisor Eric Mar, provided the response.

**Member Kneese, seconded by Member Costa, motioned:**

**(a) to find Supervisor Eric Mar, the Chair of the Land Use Committee, in violation of Sections 67.7(b) for not providing any explanatory document that was provided to the policy body in connection with an agenda item, and Section 67.15(a) & (b) for failing to adequately notice the substance of the relevant agenda item based on the last minute and substantive change to the item created by the introduction of 14 pages of amendments.**

**(b) to continue the item to the September Task Force meeting and name Board President Chiu, Supervisor Wiener and Supervisor Cohen, the two other committee members, as respondents.**

**Public Comment:** Ray Hartz, Director San Francisco Open Government, said he supported the motion because the committee, knowing that there was a potential Sunshine Ordinance violation, disregarded the law and went ahead to vote on the item. Tomas Picarello said Board President David Chiu should also be accountable because he introduced the additional documents in question. He said Supervisor Chiu needs to explain why the documents were introduced without public comment. Nick Pasquarello said all the issues surrounding Board President Chiu and Committee Chair Mar have been discussed and needed to be voted on today and the others at another date.

**The motion carried by the following vote:**

Ayes: 6 - Snyder, Kneese, Washburn, Costa, West, Johnson  
 Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

3.

11043

Starts about  
 1:29:49

The Compliance & Amendments Committee has referred Case No. 11043 Alicia Gamez v Department of Public Health back to the full Task Force with a recommendation that it find all Noise Ordinance Task Force meetings, recommendations, and documents invalid, and monitor DPH compliance with the committee's order to produce records based on the Order of Determination.

**Heard:** Complaint Alicia Gamez and Respondent Dr. Rajiv Bathia of the Department of Public Health provided the Task Force with a progress report in complying with the Order of Determination.

Members noted that the Noise Ordinance Task Force, which is expected to sunset in a few weeks, now knows the requirements of the Sunshine Ordinance, and because there was an ongoing dialogue and the production of records between both parties.

**Member Washburn, seconded by Member Costa, motioned to send a letter to the Board of Supervisors, the Mayor, the City Attorney and the Department of Public Health to inform them how NOTS violated the public meeting requirements from the very beginning and the possibility of similar bodies violating the same rules, and that when similar bodies are created that the staff be made aware of the rules that govern it. And urge the Board of Supervisors to extend the life of the NOTF for a certain period to allow for public participation.**

**Public Comment:** Tomas Picarello said it was unfortunate that NOTF had a deputy city attorney on it and no advice was given to rectify the issue. He said the letter should also go to the Entertainment Commission because it also deals with noise. A neighbor of the complainant presented copies of 50 complaints that were filed with the Police Department. She said all the inspector was only concerned by the noise made by the compressor and not the noise made by the patrons and other machinery associated with the business.

Matter concluded.

Five minute recess declared.

4.

11045

Starts around  
 2:24:12

Determination of jurisdiction on complaint filed by William Clark against the Arts Commission for allegedly violating Sections 67.22(e) and 67.21(b) of the Sunshine Ordinance.

**Member Kneese, seconded by Member Costa, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 6 - Snyder, Kneese, Washburn, Costa, West, Johnson  
 Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

5. 11045 Hearing on complaint filed by William Clark against the Arts Commission for allegedly violating Sections 67.22(e) and 67.21(b) of the Sunshine Ordinance.  
  
**Hear:** Complainant William Clark presented his case. Julio Mattos presented the Arts Commission's position.  
  
**Member Washburn, seconded by Member Costa, motioned to find Howard Lazar of the Arts Commission in violation of Sections 67.21(b) for not releasing the information within 10 days following receipt of the request, 67.22(b) for not releasing information on a timely and responsive basis, and 67.21 (e) for not sending a knowledgeable person to the hearing.**  
  
Based on the respondent's protracted pattern of responses; on respondent's repeated violation of the Sunshine Ordinance; and respondent's evident lack of intent to comply with the Sunshine Ordinance in the future, the Task Force finds Mr. Lazar in willful violation under Section 67.34 and has referred the matter to the Ethics Commission.  
  
**Public Comment:** Robert Clark said Mr. Lazar attended last month's Task Force meeting and could have passed on the information. He said it was outrageous for Mr. Lazar to be able to answer numerous questions from a Chinese delegation but unable to answer one question from the Task Force.  
  
**The motion carried by the following vote:**  
  
Ayes: 6 - Snyder, Knee, Washburn, Costa, West, Johnson  
Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan
6. 11047 Determination of jurisdiction on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum.  
  
Matter continued to September 27, 2011.
7. 11047 Hearing on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum.  
  
Matter continued to September 27, 2011.
8. 11042 Determination of jurisdiction on complaint filed by Cynthia Carter against the San Francisco Municipal Transportation Agency for allegedly denying her access to her personnel file.  
  
Starts around 2:58:00 **Member Knee, seconded by Member Washburn, motioned to find jurisdiction.**  
  
**Public Comment:** None.  
  
**The motion carried by the following vote:**  
  
Ayes: 6 - Snyder, Knee, Washburn, Costa, West, Johnson  
Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan
9. 11042 Hearing on complaint filed by Cynthia Carter against the San Francisco Municipal Transportation Agency for allegedly denying her access to her personnel file.  
  
**Hear:** Complainant Cynthia Carter presented his case. Dorian Maxwell spoke in support of the complainant. Kathy Fowles presented the San Francisco Municipal Transportation Agency's position.  
  
**Chair Johnson, seconded by Member Knee, motioned to find Caroline Celaya in violation of Sections 67.21(b) for not providing the documents in a timely manner, 67.21(c) for failure to direct the complainant to where the other documents could possibly be, 67.21(e) for not sending a knowledgeable person to the hearing, and that the MTA provide Ms. Carter with copies of the write ups from her supervisors, mechanical reports on defective busses and the complete Central Control reports relative to her case.**  
  
**Public Comment:** Ray Hartz, Director San Francisco Open Government, said Ms. Carter was at a total disadvantage at her hearing because she could not present a solid defense with facts and figures. A member of the public said it seemed that Ms. Carter's case was not an isolated incident because Mr. Maxwell also has to go through the same experience. He also said the City loses money when it has to hire attorneys when it gets sued for wrongful termination.  
  
**The motion carried by the following vote:**  
  
Ayes: 6 - Snyder, Knee, Washburn, Costa, West, Johnson  
Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan  
  
Matter referred to Compliance and Amendments Committee.

10. 11046 Determination of jurisdiction on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress.

**Member Knee, seconded by Member Snyder, motioned to continue the matter to the September 27, 2011, meeting.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 6 - Snyder, Knee, Washburn, Costa, West, Johnson  
Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

11. 11046 Hearing on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress

See Item 10.

12. 11054 Determination of jurisdiction on complaint filed by Ray Hartz against Luis Herrera of the Public Library for allegedly failing to include his 150-word summaries in the body of the minutes.

Starts about  
3:56:20

**Member Knee, seconded by Member Costa, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 6 - Snyder, Knee, Washburn, Costa, West, Johnson  
Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

13. 11054 Hearing on complaint filed by Ray Hartz against Luis Herrera of the Public Library for allegedly failing to include his 150-word summaries in the body of the minutes.

**Heard:** Complainant Ray Hartz presented his case. The Public Library was represented by Sue Blackman and Library Commission Vice President Lee Munson.

**Member Costa, seconded by Chair Johnson, motioned to find Luis Herrera of the Public Library in violation of Sections 67.15(d) for abridging public comment, 67.16 for not including the 150-word summary in the body of the minutes, and 67.34 for willful violation.**

**Member Knee, seconded by Member West motioned to separate Section 67.15(d) from the motion.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 6 - Snyder, Knee, Washburn, Costa, West, Johnson  
Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

**On the motion to find a violation of Sections 67.16 for not including the 150-word summary in the body of the minutes, and 67.34 for willful violation.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 6 - Snyder, Knee, Washburn, Costa, West, Johnson  
Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

**On the motion to find a violation of Sections 67.15(d).**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 4 - Snyder, Costa, West, Johnson  
Noes: 2 - Knee, Washburn  
Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

**Chair Johnson, seconded by Member Knee, motioned to rescind the vote.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 6 - Snyder, Knee, Washburn, Costa, West, Johnson  
Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

On the motion to find a violation of Sections 67.15(d).

**Public Comment:** None.

**The motion failed by the following vote:**

Ayes: 3 - Costa, West, Johnson  
Nocs: 3 - Snyder, Knee, Washburn  
Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

Five minute recess declared.

14. 11055 Determination of jurisdiction on complaint filed by Ray Hartz against Luis Herrera of the Public Library for allegedly failing to assist in identifying documents.

Starts about  
4:48:00

**Member Washburn, seconded by Member Knee, motioned to find jurisdiction.**

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 6 - Snyder, Knee, Washburn, Costa, West, Johnson  
Excused: 5 - Cauthen, Manneh, Knoebber, Wolfe, Chan

15. 11055 Hearing on complaint filed by Ray Hartz against Luis Herrera of the Public Library for allegedly failing to assist in identifying documents.

**Heard:** Complainant Ray Hartz presented his case. The Public Library was represented by Sue Blackman. Library Commission Vice President Lee Munson spoke in favor of Ms. Blackman.

No motion was made.

Matter concluded.

16. 11056 Determination of jurisdiction on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information.

Continued to September 27, 2011.

17. 11056 Hearing on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information.

Continued to September 27, 2011.

18. Issuing public reports evaluating compliance with the Sunshine Ordinance and related California laws by City Departments and Officials pursuant to Sec. 67.30(c).

Starts about  
5:07:00

Members discussed the topic and, without objection, continued the matter to the September 27, 2011, meeting because quorum was about to be lost.

**Public Comment:** Ray Hartz, Director San Francisco Open Government, suggested creating a list of those who repeatedly violate a particular section of the ordinance and then seek their department head's input for inclusion in a report.

19. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to eliminate or suspend the Complaint Committee. (discussion and action item)

No quorum.

20. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to create a Technology Committee.

No quorum.

21. Supervisor of Records Report.

No quorum.



22. Approval of January 4, 2011, special meeting minutes.  
No quorum.
23. Approval of January 20, 2011, special meeting minutes.  
No quorum.
24. Approval of January 25, 2011, regular meeting minutes.  
No quorum.
25. Report: Compliance and Amendments Committee meeting of August 9, 2011.  
No quorum.
26. Administrator's Report.  
No quorum.
27. Starts about 1:28:15 Public comment on matters not listed on the agenda.  
None.
28. Announcements, comments, questions, and future agenda items from the Task Force members.  
No quorum.

#### **Adjournment**

*Having lost quorum, the Task Force adjourned at the hour of 9:48 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>

September 27, 2011

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

Tuesday, September 27, 2011  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson (Chair)
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

8:15 p.m. met  
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Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to eliminate or suspend the Complaint Committee. (discussion and action item) (attachment) (15 minutes)
2. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to create a Technology Committee. (discussion and action item) (attachment) (15 minutes)
3. 11021 Hearing on the status of the May 24, 2011, Order of Determination regarding Debra Benedict against the Tides Center. (action item) (attachment) (15 min)
4. 11054 The Compliance and Amendments Committee has recommended to the full Task Force that #11054 Ray Hartz v Luis Herrera of the Public Library be referred to the Ethics Commission and the District Attorney for failure to comply with the Order of Determination. A copy of the referral letter is also to be sent to the Civil Grand Jury. (discussion and possible action item) (attachment) (20 min)
5. 11049 Hearing on the status of the July 26, 2011, Order of Determination of George Wooding v Recreation and Parks Department. (discussion and possible action item) (attachment) (15 min)

6. 10054 The Compliance and Amendments Committee has recommended to the full Task Force that an erroneous statement in #10054 Ray Hartz v Library Commission's Order of Determination be struck out. (discussion and possible action item) (attachment) (15 min)
7. 11034 Reconsideration of a complaint filed by Frank McDowell against the San Francisco Municipal Transportation Agency for allegedly not providing documents associated with a drive cam. (discussion and possible action item) (attachment) (15 min)
8. 11048 Continued hearing on complaint filed by Pastor Gavin and others against Supervisor Chiu, Supervisor Wiener and Supervisor Cohen for allegedly violating Sunshine Ordinance requirements for public notices and agendas. (action item) (attachment) (30 min)
9. 11047 Determination of jurisdiction on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum. (action item) (attachment) (10 min)
10. 11047 Hearing on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum. (action item) (attachment) (30 min)
11. 11046 Determination of jurisdiction on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress. (action item) (attachment) (10 min)
12. 11046 Hearing on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress (action item) (attachment) (30 min)
13. 11056 Determination of jurisdiction on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information. (action item)(attachment) (10 min)
14. 11056 Hearing on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information. (action item)(attachment) (30 min)
15. 11058 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records. (action item)(attachment) (10 min)
16. 11058 Hearing on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records. (action item)(attachment) (30 min)
17. Review and approval of the SOTF annual report. (discussion and possible action item) (attachment) (15 minutes)
18. Board of Supervisors Government and Audit Oversight Committee's hearing on the SF Civil Grand Jury's Report on the Ethics Commission. (discussion and possible action) (15 min)
19. Issuing public reports evaluating compliance with the Sunshine Ordinance and related California laws by City Departments and Officials pursuant to Sec. 67.30(c). (discussion and possible action item) (15 min)
20. Supervisor of Records Report. (discussion and possible action) (15 min) (attachment)
21. Approval of January 4, 2011, special meeting minutes. (attachment) (action item) (5 min)
22. Approval of January 20, 2011, special meeting minutes. (attachment) (action item) (5 min)

23. Approval of January 25, 2011, regular meeting minutes. (attachment) (action item) (5 min)
24. Report: Education, Outreach and Training Committee meeting of September 8, 2011. (discussion and possible action item) (attachment) (5 min)
25. Report: Compliance and Amendments Committee meeting of September 13, 2011. (discussion and possible action item) (attachment) (5 min)
26. Administrator's Report. (discussion) ( attachment) (5 min)
27. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
28. Announcements, comments, questions, and future agenda items from the Task Force members. (no action) (no attachment) (5 min)

**Adjournment  
2011.**

**Next regularly scheduled meeting: Oct. 25,**

THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT CITY HALL, ROOM 244

#### SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. City responds  | 5 minutes            |
| Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

3. Matter is with the Task Force for discussion and questions.
4. Respondent and Complainant presents clarification/rebuttal 3 minutes
5. Matter is with the Task Force for motion and deliberation.
6. Public comment (*Excluding Complainant & City response, witnesses*) Up to 3 minutes each

7. Vote by Task Force (*Public comment at discretion of chair on new motion and/or on new motion if vote fails.*)

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).





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September 27, 2011 (draft)

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
DRAFT MINUTES**

Tuesday, September 27, 2011  
4:00 p.m., City Hall, Room 408

**Task Force Members**

Seat 1	David Snyder, Esq.	Seat 8	Bruce Wolfe (Vice chair)
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson (Chair)
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

**Call to Order** 4:08 P.M.

**Roll Call** Present: Knee, Cauthen, Washburn, Chan Johnson, West

Absent: Snyder, Manneh, Knoebber, Costa, Wolfe

**Agenda Changes:** Item 27 heard after Item 4.

**Deputy City Attorney:** Jerry Threest

**Clerk:** Chris Rustom

**Member Knee, seconded by Member Chan, motioned to excuse Members Snyder, Manneh, Knoebber, Costa and Wolfe.**

**Public Comment:** None.

**The motion passed without objection.**

1. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to eliminate or suspend the Complaint Committee.

**Approx:** Chair Johnson explained the need to suspend or eliminate the Complaint Committee.

0:08:55

Member Wolfe, seconded by Member Knee, motioned to suspend the committee

Member Manneh noted present at 4:16 p.m.

Member Wolfe noted present at 4:23 p.m.

Member Snyder noted present at 4:25 p.m.

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**Public Comment:** Charles Pitts wanted to know if he was entitled to video clips taken by various cameras in City Hall. He also wanted to know if he could ask for a blueprint of City Hall and how much would he be charged. Ray Hartz, Director San Francisco Open Government, said simplifying the process is good for the complainants as well as for the respondents. Patrick Monette-Shaw said the Task Force could schedule another meeting in its place to keep the hearing of complaints uninterrupted.

Quorum was briefly lost at 4:15 p.m.

**The motion carried by the following vote:**

Ayes: 9 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Chan, West, Johnson.

Excused: Knoebber, Costa

2. Amending Article VI, Sec. 1 of the Sunshine Ordinance Task Force By-Laws to create a Technology Committee.

Approx: Chair Johnson explained the need to create the Technology Committee.  
0:27:00

**Member Knee, seconded by Member Wolfe, motioned to create the committee.**

**Public Comment:** Ray Hartz, Director San Francisco Open Government, said the committee would be critical in this day and age where databases are searchable and anyone with access to it can create any report they wish. Patrick Monette-Shaw said the new committee could well be the answer to the City's weak technology chain. Kimo Crossman the new committee could work on issues surrounding email retention, redacting and the broadcasting of Task Force meetings.

**The motion carried by the following vote:**

Ayes: 9 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Chan, West, Johnson.

Excused: Knoebber, Costa

3. 11021 Hearing on the status of the May 24, 2011, Order of Determination regarding Debra Benedict against the Tides Center.

Approx: **Heard:** The Complainant was not present. There was no one in the audience to present facts and evidence on behalf of the Complainant. The Respondent was not present. There was no one in the audience to present facts and evidence on behalf of the Respondent.  
0:32:50

**Member Knee, seconded by Member Wolfe, moved to continue the matter to the October meeting.**

**Public Comment:** None.

The motion passed without objection.

4. 11054 The Compliance and Amendments Committee has recommended to the full Task Force that #11054 Ray Hartz v Luis Herrera of the Public Library be referred to the Ethics Commission and the District Attorney for failure to comply with the Order of Determination. A copy of the referral letter is also to be sent to the Civil Grand Jury.

Approx: **Heard:** Complainant Ray Hartz urged the Task Force to accept the Compliance and Amendments Committee's recommendation. The Respondent was not present. There was no one in the audience to present facts and evidence on behalf of the Respondent.  
0:37:20

**Member Snyder, seconded by Member Cauthen, motioned to refer Luis Herrera of the Public Library to the Ethics Commission and the District Attorney for willful failure and official misconduct. A copy of the referral letter is also to be sent to the Civil Grand Jury and Supervisor David Campos, chair of the Board of Supervisors Government Audit and Oversight Committee.**

**Public Comment:** Patrick Monette-Shaw said all referrals should automatically be sent to the District Attorney, the San Francisco Civil Grand Jury and the Mayor. Kimo Crossman said the California Attorney General and several state District Attorneys have prosecuted Brown Act violations and have resulted in fines and jail time. Peter Warfield said the Public Library has a long history of flouting the law and the Task Force should take them to task. Allen Grossman said the Library should be found in willful failure and official misconduct and the Charter says it has to be heard by the Ethics Commission.

**The motion carried by the following vote:**

Ayes: 9 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Chan, West, Johnson.

Excused: 2 - Knoebber, Costa

5. 11049 Hearing on the status of the July 26, 2011, Order of Determination of George Wooding v Recreation and Parks Department.

Approx: **Heard:** Complainant George Wooding and Respondent Olive Gong of the Recreation and Parks Department individually represented their positions.  
1:26:50

Member Knee, seconded by Member Washburn, motioned to refer the matter to the Ethics Commission for willful failure by all respondents in the complaint to comply with the Order of Determination.

**Public Comment:** Allen Grossman said the failure to comply with the Order of Determination should be easily resolved by forwarding the matter to the Ethics Commission and telling them to enforce the law. Peter Warfield said it is the duty of all department heads to maintain and preserve documents in a professional and businesslike manner and produce it when requested. Katherine Howard of the Golden Gate Park Preservation Alliance said she is concerned that the department will go back and produce the records that is already in Mr. Wooding's possession and claim that all documents were provided and nothing more would be forthcoming. Charles Pitts said experience indicates that the respondent will get an additional two weeks to respond and with nothing to show the matter would get dropped.

**The motion failed by the following vote:**

Ayes: 3 - Knee, Washburn, Wolfe

Noes: 4 - Snyder, Cauthen, Manneh, Johnson.

Excused: 4 - Knoebber, Costa, Chan, West

Member Knee, seconded by Member Cauthen, motioned to refer the matter to the Compliance and Amendments Committee. The Department is to work with the Department of Technology to recover the deleted data from the backup tapes.

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 7 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Johnson.

Excused: 4 - Knoebber, Costa, Chan, West

Member Knee, seconded by Member Wolfe, motioned to excuse Member West, who had earlier asked to be excused because of illness, and to have it retroactive to this item.

**Public Comment:** None.

The motion passed without objection.

6. 10054 The Compliance and Amendments Committee has recommended to the full Task Force that an erroneous statement in #10054 Ray Hartz v Library Commission's Order of Determination be struck out.
- Approx. 2:59:00 **Heard:** Complainant Ray Hartz told the Task Force why the sentence needed to be removed. The Respondent was not present. There was no one in the audience to present facts and evidence on behalf of the Respondent.

Member Knee, seconded by Member Cauthen, motioned to have the following statement be stricken from the Order of Determination: "It also noted that the Task Force had found in a previous ruling that placing the 150-word statement as an addendum was acceptable if it was mentioned in the body of the minutes."

**Public Comment:** None.

**The motion carried by the following vote:**

Ayes: 7 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Johnson.

Excused: 4 - Knoebber, Costa, Chan, West

7. 11034 Reconsideration of a complaint filed by Frank McDowell against the San Francisco Municipal Transportation Agency for allegedly not providing documents associated with a drive cam.
- Approx. 3:11:00 The Complainant was not present. There was no one in the audience to present facts and evidence on behalf of the Complainant. David Hill represented the San Francisco Municipal Transportation Agency.

Member Wolfe, seconded by Member Knee motioned to continue the item to October 25, 2011.

Member Chan noted present at 7:47 p.m.

**Public Comment:** An unidentified male said the issue was very important and should be continued for a full hearing. Another unidentified male said the drive cam was never used to discipline operators. That was confirmed by Muni managers then, but now they are using it for that purpose, he said. Charles Pitts said Mr. McDowell should have had been informed about the meeting by more than a few days.

**The motion carried by the following vote:**

Ayes: 8 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Chan Johnson.

Excused: 3 - Knoebber, Costa, West

8. 11048 Continued hearing on complaint filed by Pastor Gavin and others against Supervisor Chiu, Supervisor Wiener and Supervisor Coben for allegedly violating Sunshine Ordinance requirements for public notices and agendas.
- Approx. 3:31:45
- Heard: Complainant Pastor Gavin presented her case. Michael Lyon, Co-Convener of the San Francisco Gray Panthers, Aaron Goodman, former Park Merced tenant, and five unidentified speakers spoke in favor of Pastor Gavin. Judson True, legislative aide to Board President David Chiu, Gillian Gilette, legislative aide to Supervisor Scott Wiener, Andrea Bruss, legislative aide to Supervisor Malia Cohen, presented the response.

**Member Washburn, seconded by Member Manneh, motioned to find that Board President David Chiu, Supervisor Scott Wiener and Supervisor Malia Cohen violated Sunshine Ordinance Section 67.7(b) for not providing the public with copies of the amendments; and Section 67.15(a) and (b) for failing to adequately notice the substance of the relevant agenda item. The Orders of Determination are to be referred to the Ethics Commission and the District Attorney for willful failure and official misconduct.**

**Public Comment:** Bernie Choden with San Francisco Tomorrow, spoke of the City Attorney's role in Park Merced proceedings and noted that the City Attorney was not an effective adjudicator when it came to due process. Ray Hartz, Director San Francisco Open Government, said the public should have been given the chance to review the two-page and 14-page documents well ahead of time to allow for meaningful public comment and the supervisors, with so many sunshine questions being asked, should have delayed the proceedings by one week or should have allowed public comment because despite the rush to close the agenda item. An unidentified male said there was a lot of money involved in this project and the two developers are allegedly known for their questionable business practices. He said he was afraid Park Merced would be stripped of rent control gradually by lawyers who work for the two developers. Charles Pitts said the boiler plate documents are very important documents and that he makes sure he gets them when he requests copies of contracts. He said the people need to challenge their government every step of the way because it has been proven that they are not trustworthy. Peter Warfield, Executive Director Library Users Association, said Mr. True's statement that everybody knew what was described in the agenda translates to nobody knew what was on the agenda except insiders.

**The motion carried by the following vote:**

Ayes: 8 - Snyder, Kne, Cauthen, Manneh, Washburn, Wolfe, Chan Johnson  
Excused: 3 - Knoebber, Costa, West

Member Manneh noted absent at 10:15 p.m.

9. 11047 Determination of jurisdiction on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum.
- Approx. 6:12:20

**Member Kne, seconded by Member Wolfe, moved to find jurisdiction.**

**Public Comment:** None.

The motion passed without objection.

10. 11047 Hearing on complaint filed by Dorian Maxwell against the San Francisco Municipal Transportation Agency for allegedly not keeping withholding to a minimum.

Approx. 6:14:00

**Heard:** Complainant Dorian Maxwell presented his case. Mike Bernado spoke in support of Mr. Maxwell. Eloisa Leonardo of the San Francisco Municipal Transportation Agency provided the response.

**Member Snyder, seconded by Member Wolfe, motioned to find that Caroline Celaya and Sonali Bose of the MTA violated Sections 67.21(e) for failure to send a knowledgeable representative, 67.21(b) for failure to produce the requested documents, and 67.21(c) for failing to assist the requestor. The agency is ordered to release the payout information, copies of any legislation changes regarding to trust fund contributions, and any article 35 agreements between Local 250-A and the MTA regarding future trust fund payouts, as referenced in Mr. Maxwell's public records request, within 5 business days of the issuance of the Order of Determination and appear before the Compliance and Amendments Committee.**

**Public Comment:** David Hill of the MTA said although he was not involved in this case he would carry the Task Force's message back to the department and return with the requested documents.

**The motion carried by the following vote:**

Ayes: 7 - Snyder, Kne, Cauthen, Washburn, Wolfe, Chan, Johnson.  
Excused: 3 - Knoebber, Costa, West  
Absent: 1 - Manneh

11. 11046 Determination of jurisdiction on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress.

Approx. 6:11:18

**Member Wolfe, seconded by Member Kne, motioned to moved Items 11 and 12 to October 25, 2011.**

**Public Comment:** None.

The motion passed without objection.

12. 11046 Hearing on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress.

See Item 11.

13. 11056 Determination of jurisdiction on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information.

Approx.

2:44:15

**Member Knee, seconded by Member Wolfe, motioned to continue the Item 13 and 14 to October 25, 2011.**

**Public Comment:** Peter Warfield asked that the item be moved up.

**The motion carried by the following vote:**

Ayes: 7 - Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Johnson.

Excused: 4 - Knoebber, Costa, Chan, West

14. 11056 Hearing on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information.

See Item 13.

15. 11058 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records.

Quorum lost at 10:58 p.m.

16. 11058 Hearing on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records.

Quorum lost at 10:58 p.m.

17. Review and approval of the SOTF annual report.

Quorum lost at 10:58 p.m.

18. Board of Supervisors Government and Audit Oversight Committee's hearing on the SF Civil Grand Jury's Report on the Ethics Commission.

Quorum lost at 10:58 p.m.

19. Issuing public reports evaluating compliance with the Sunshine Ordinance and related California laws by City Departments and Officials pursuant to Sec. 67.30(c).

Quorum lost at 10:58 p.m.

20. Supervisor of Records Report.

Quorum lost at 10:58 p.m.

21. Approval of January 4, 2011, special meeting minutes.

Quorum lost at 10:58 p.m.

22. Approval of January 20, 2011, special meeting minutes.

Quorum lost at 10:58 p.m.

23. Approval of January 25, 2011, regular meeting minutes.

Quorum lost at 10:58 p.m.

24. Report: Education, Outreach and Training Committee meeting of September 8, 2011.

Quorum lost at 10:58 p.m.

25. Report: Compliance and Amendments Committee meeting of September 13, 2011.

Quorum lost at 10:58 p.m.

26. Administrator's Report.

Quorum lost at 10:58 p.m.

27. **Approx.**  
1:09:29 Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible.

Ray Hartz, Director San Francisco Open Government, said respondents know the dates of the Task Force in advance but they do not make the necessary arrangements to attend the hearings. All they want to do, he said, is to rearrange the agenda to suit their purpose. But, he added, a respondent recently stayed late into the evening after the Task Force said the item could not be moved and it would be heard with or without the presence of the respondent. Peter Warfield, Executive Director Library Users Association, said the person who allegedly violated the Sunshine Ordinance should be the person attending the hearings instead of a designated spokesperson. It is that person, he said, who has all the answers for the actions that were taken. Patrick Monett-Shaw said he notified the Government Oversight Committee that Sue Cauthen's case took two years to get to the Ethics Commission and that Public Library Commission President Jewelle Gomez allegedly tried to hit him with her jacket. He said the Task Force should inquire in writing why the Mayor is not taking any action against Ms. Gomez. Allen Grossman said the Ethics Commission has not acted on several Task Force referrals as well as the proposed policy changes. He said some action must be taken to get those items on the next Ethics Commission's meeting agenda. An unidentified female said two recent events where people were escorted out of the Board of Supervisors Chambers and latter arrested has had a chilling effect on the freedom of giving public comment. Charles Pitts said he would like to get an opinion letter from the Task Force to take to a department that would not give him a copy of a blueprint for 10 cents. He said that would be preferable than having to wait the two months it takes to get an Order of Determination from the Task Force.

28. Announcements, comments, questions, and future agenda items from the Task Force members.

Quorum lost at 10:58 p.m.

#### **Adjournment**

*Having lost quorum, the Task Force adjourned at the hour of 10:58 p.m.*

This meeting has been audio recorded and is on file in the Office of the Sunshine Ordinance Task Force, Rm. 244, City Hall, No. 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, Phone 554-7724 and at <http://www.sfbos.org/index.aspx?page=9811>

October 25, 2011

**SUNSHINE ORDINANCE TASK FORCE  
REGULAR MEETING  
AGENDA**

10-20-11P02:30 RCVD

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Tuesday, October 25, 2011  
4:00 p.m., City Hall, Room 408

OCT 20 2011

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Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson (Chair)
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	James Knoebber	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

Note: Each item on the Agenda may include minutes, department or agency letters and reports; Task Force reports; and public correspondence. If any materials related to an item on this agenda have been distributed to the Task Force after distribution of the packet, those materials in addition to the packet are available for public inspection at City Hall, in the Office of the Clerk of the Board, Room 244 during normal office hours.

**Call to Order; Roll Call; Agenda Changes**

1. Possible adjustment of Sunshine Ordinance Task Force meeting schedule for the 2011 winter holidays. (no attachment) (discussion and action item) (10 min)
2. Approval of the Annual Report. (attachment) discussion and action item) (15 min)
3. Approval of August 23, 2011 regular meeting minutes. (attachment) (10 min)
4. 11021 Hearing on the status of the May 24, 2011, Order of Determination regarding Debra Benedict against the Tides Center. (discussion and action item) (attachment) (15 min)

5. 11034 Reconsideration of a complaint filed by Frank McDowell against the San Francisco Municipal Transportation Agency for allegedly not providing documents associated with a drive cam. (discussion and possible action item) (attachment) (15 min)
6. 11042 The Compliance and Amendments Committee has referred #11042 Cynthia Carter v the San Francisco Municipal Transportation Agency back to the Task Force with a recommendation that the matter be forwarded to the Ethics Commission for failure to comply with the Order of Determination. (discussion and action item) (attachment) (15 min)
7. 11049 The Compliance and Amendments Committee has referred #11021 George Wooding v Recreation and Parks Department back to the Task Force with a recommendation that the matter be forwarded to the Ethics Commission for official misconduct by reason of willful failure to comply with the Order of Determination. (discussion and possible action item) (attachment) (15 min)
8. 11046 Determination of jurisdiction on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress. (action item) (attachment) (10 min)
9. 11046 Hearing on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress (action item) (attachment) (30 min)
10. 11056 Determination of jurisdiction on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information. (action item)(attachment) (10 min)
11. 11056 Hearing on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information. (action item)(attachment) (30 min)
12. 11058 Determination of jurisdiction on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records. (action item) (attachment) (10 min)
13. 11058 Hearing on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records. (action item)(attachment) (30 min)
14. 11060 Determination of jurisdiction on complaint filed by Lars Nyman against the Department of Public Works for allegedly failing to produce requested documents. (action item)(attachment) (10 min)
15. 11060 Hearing on complaint filed by Lars Nyman against the Department of Public Works for allegedly failing to produce requested documents. (action item) (attachment) (30 min)
16. 11061 Determination of jurisdiction on complaint filed by Micki Jones against the Fire Department for allegedly failing to give her a copy of a complaint letter that was placed in her personnel records. (action item)(attachment) (10 min)
17. 11061 Hearing on complaint filed by Micki Jones against the Fire Department for

allegedly failing to give her a copy of a complaint letter that was placed in her personnel records. (action item)(attachment) (30 min)

18. 11070 Determination of jurisdiction on complaint filed by Jason Grant Garza for allegedly failing to respond to an Immediate Disclosure Request. (action item) (attachment) (10 min)
19. 11070 Hearing on complaint filed by Jason Grant Garza for allegedly failing to respond to an Immediate Disclosure Request. (action item) (attachment) (10 min)
20. 11071 Determination of jurisdiction on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance. (action item) (attachment) (10 min)
21. 11071 Hearing on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance. (action item) (attachment) (10 min)
22. Supervisor of Records Report. (discussion and possible action) (15 min) (attachment)
23. Approval of January 4, 2011, special meeting minutes. (attachment) (action item) (5 min)
24. Approval of January 20, 2011, special meeting minutes. (attachment) (action item) (5 min)
25. Approval of January 25, 2011, regular meeting minutes. (attachment) (action item) (5 min)
26. Report: Education, Outreach and Training Committee meeting of October 13, 2011. (discussion and possible action item) (attachment) (5 min)
27. Report: Compliance and Amendments Committee meeting of October 11, 2011. (discussion and possible action item) (attachment) (5 min)
28. Administrator's Report. (discussion) ( attachment) (5 min)
29. Public comment on matters not listed on the agenda. Public comment shall be taken at 5:00 p.m., or as soon thereafter as possible (no action) (15 min)
30. Announcements, comments, questions, and future agenda items from the Task Force members. (no action) (no attachment) (5 min)

**Adjournment**  
**Nov. 22, 2011.**

**Next regularly scheduled meeting:**

**THE AGENDA PACKET IS AVAILABLE FOR REVIEW MONDAY THROUGH FRIDAY AT  
CITY HALL, ROOM 244**



**SUNSHINE ORDINANCE TASK FORCE HEARING PROCEDURES**

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the proceeding begins, written comments regarding the subject of the meeting or hearing; these comments will be made a part of the official public record.

- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

- |    |   |                      |
|----|---|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.   |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.  |                      |
| 6. | Public comment ( <i>Excluding Complainant &amp; City response, witnesses</i> )  | Up to 3 minutes each |
| 7. | Vote by Task Force ( <i>Public comment at discretion of chair on new motion and/or on new motion if vote fails.</i> ) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

**Disability Access:** The hearing room is wheelchair accessible.

**Chemical-Based Products:** In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or

related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

**Cell phones, pagers and similar sound-producing electronic devices:** The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE:** Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Administrator by mail to: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from the Administrator or by printing Chapter 67 of the San Francisco Administrative Code from the Internet, at URL: [http://www.sfgov.org/site/sunshine\\_page.asp?id=34495](http://www.sfgov.org/site/sunshine_page.asp?id=34495)

**Lobbyist Registration & Reporting Requirements:** Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Governmental Conduct Code Sec. 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; website: [sfgov.org/ethics](http://sfgov.org/ethics).



CITY & COUNTY OF SAN FRANCISCO

Disclaimers

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October 25, 2011 - draft

**DRAFT**  
Hearing Room 408  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689  
October 25, 2011 – 4:00 PM  
Regular Meeting

GOVERNMENT  
DOCUMENTS DEPT

NOV 5 2014

SAN FRANCISCO  
PUBLIC LIBRARY

**Members:** Hope Johnson (Chair), Bruce Wolfe (Vice-Chair)  
David Snyder, Richard Knee, Sue Cauthen, Suzanne Manneh  
Allyson Washburn, James Knoebber, Jay Costa, Hanley Chan, Jackson West

**Call to Order, Roll Call and Agenda Changes (4:00 p.m. - 4:36 p.m.)**

The meeting was called to order at 4:00 p.m. On the call of the roll, Member Cauthen, Member Knoebber, Member Wolfe, Member Chan and Member West were noted absent. Member Wolfe was noted present at 4:17 p.m. Member Chan was noted present at 4:53 p.m. Member Manneh was noted absent at 6:58 p.m. Member Chan was noted absent at 9:00 p.m.

Member Knee, seconded by Member Washburn, motioned to excuse Member Cauthen.

The motion was approved without objection.

Chair Johnson said the respondent for Item 8 and 9 was present and the case would be heard as soon as the complainant arrives.

Member Washburn, seconded by Member Costa motioned to hear the item when the complainant arrives.

The motion was approved without objection.

Chair Johnson moved the annual report to after Item 21.

Member Washburn, seconded by Member Costa motioned to hear the annual report after Item 21.

The motion was approved without objection.

**1. Possible adjustment of Sunshine Ordinance Task Force meeting schedule for the 2011 winter holidays (4:03 p.m. - 4:11 a.m.)**

Member Knee, seconded by Member Washburn, moved to cancel the November 22, 2011, meeting and call for a special meeting on November 29, 2011.

The motion was approved without objection.

Member Knee, seconded by Member Costa, moved to cancel the December 27, 2011, meeting and call for a special meeting on January 3, 2012.

The motion was approved without objection.

Public Comment: Peter Warfield, Executive Director of the Library Users Association, said the Task Force and the Board of Supervisors meet on the same day and it poses a conflict for those who would like to participate in both meetings. He urged the Task Force to move its meeting to another day.

**2. Approval of the Annual Report**

Chair Johnson moved the item to be heard after Item 21. The item was not heard because quorum was lost at 9:42 p.m.

**3. Approval of Minutes from the August 23, 2011 SOTF Regular Meeting (4:11 p.m. - 4:32 p.m.)**

Member Costa, seconded by Member Washburn, moved to amend and approve the Minutes from the August 23, 2011 SOTF Regular Meeting:

Public Comment: Peter Warfield, Executive Director of the Library Users Association, said the Task Force's decision to inform the City Attorney that the 150-word statement had to be in the body of the minutes and not at the end should be memorialized somewhere. Ray Hartz, Director of San Francisco Open Government, said detailed record-keeping is important because future Task Force members can look at the record to see how the Task Force reached a decision instead of having the topic revisited. Allen Grossman said members need to do more to clear the backlog of meeting minutes.

The motion, as amended, carried by the following vote:

Ayes: 7 – Snyder, Knee, Manneh, Washburn, Costa, Wolfe, Johnson

Excused: 1 – Cauthen

Absent: 3 – Knoebber, Chan, West

**4. File No. 11021:** Hearing on the status of the May 24, 2011, Order of Determination regarding Debra Benedict against the Tides Center (4:32 p.m. - 4:37 p.m.)

The Complainant was not present. There was no one in the audience to present facts and evidence on behalf of the Complainant. Respondent Olaitan Callender-Scott had earlier informed the Task Force that she could not attend because she was out of state.

Chair Johnson moved the item to the December 13, 2011, Compliance and Amendments Committee meeting.

Public Comment: None.

The motion, as amended, carried by the following vote:

Ayes: 7 – Snyder, Knee, Manneh, Washburn, Costa, Wolfe, Johnson

Excused: 1 – Cauthen

Absent: 3 – Knoebber, Chan, West

**5. File No. 11034:** Reconsideration of a complaint filed by Frank McDowell against the San Francisco Municipal Transportation Agency for allegedly not providing documents associated with a drive cam. (5:51 p.m. - 6:37 p.m.)

Member Wolfe, seconded by Member Washburn, moved to reconsider the complaint.

Public Comment: Ray Hartz, Director San Francisco Open Government, said the MTA should have helped Mr. McDowell identify the documents he needed. Jason Grant Garza said the Task Force needs to help the complainant and reopen the matter.

The motion carried by the following vote:

Ayes: 5 – Washburn, Costa, Wolfe, Chan, Manneh

Noes: 3 – Snyder, Knee, Johnson

Excused: 1 – Cauthen

Absent: 2 – Knoebber, West

Chair Johnson said the item will be placed on the November 8, 2011, agenda.

**6. File No. 11042:** The Compliance and Amendments Committee has referred Cynthia Carter v the San Francisco Municipal Transportation Agency back to the Task Force with a recommendation that the matter be forwarded to the Ethics Commission for failure to comply with the Order of Determination. (6:50 p.m. - 7:28 p.m.)

Member Knee, seconded by Member Washburn, motioned to send the matter back to the Compliance and Amendments Committee.

Public Comment: Ray Hartz, Director San Francisco Open Government, said City officials should know and understand the implications of the Order of Determination. Patrick Monette-Shaw said several departments have not made good faith effort to comply with an Order of Determination. Jason Grant Garza said if the issue is referred to the Ethics Commission it will respond by saying that the Task Force was wrong in its determination. Peter Warfield, Executive Director Library Users Association, said promptness is important and it is specified in the Ordinance. David Hill of the MTA said the role a department plays in responding to a request has to be considered because a request for a document involves the work of several employees. Allen Grossman said a public request should be handled at the same level an employee would to his or her daily duties.

Vice Chair Wolfe, seconded by Member Washburn, motioned to refer Caroline Celaya of the SFMTA to the Ethics Commission for failure to comply with the Order of Determination and for violating Sections 67.21(b) by not providing the documents in a timely manner, 67.21(c) for failure to direct the requestor to the appropriate person, and 67.21(e) for failure to send a knowledgeable representative.

Public Comment: Patrick Monette-Shaw said the Task Force has every reason to support Member Wolfe's motion. Jason Grant Garza wanted to know what would happen after it is referred to the Ethics Commission. Ray Hartz said a referral to the Ethics Commission is a must if respondents do not abide by the dates the Task Force has stipulated in its Order of Determinations. Peter Warfield said he supported the motion.

The motion carried by the following vote:

Ayes: 6 – Knee, Washburn, Costa, Wolfe, Chan, Johnson

Noes: 1 – Snyder

Excused: 1 – Cauthen

Absent: 3 – Knoebber, West, Manneh

**7. File No. 11049:** The Compliance and Amendments Committee has referred George Wooding v Recreation and Parks Department back to the Task Force with a recommendation that the matter be forwarded to the Ethics Commission for official misconduct by reason of willful failure to comply with the Order of Determination. (7:28 p.m. - 8:24 p.m.)

Member Washburn, seconded by Member Wolfe, moved to accept the recommendation of the Compliance and Amendments Committee.

Public Comment: Ray Hartz, Director San Francisco Open Government, said Ms. Olive Gong should have gone to her staff and told them that there was a

deadline that she needs to meet in producing the documents. Jason Grant Garza said the Task Force should tell Mr. Wooding that the referral to the Ethics Commission would not get him anywhere. Greg Miller said the matter should be forwarded to the Ethics Commission even if no action is anticipated. Peter Warfield said the Recreation and Parks Department has been given ample time to respond and because they have not the referral to the Ethics Commission is automatic. Allen Grossman said official misconduct only applies to elected official and department heads.

Member Washburn, seconded by Member Wolfe amended the motion to refer Phil Ginsburg and Sarah Ballard to the Ethics Commission for official misconduct by reason of willful failure, and Mark Buell and Olive Gong for not complying with the Order of Determination.

The motion carried by the following vote:

Ayes: 7 - Snyder, Knee, Washburn, Costa, Wolfe, Chan, Johnson

Excused: 1 - Cauthen

Absent: 3 - Knoebber, West, Manneh

**8. File No. 11046:** Determination of jurisdiction on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress. (4:38 p.m. - 5:31 p.m.)

Vice Chair Wolfe, seconded by Member Knee, motioned to find jurisdiction.

Public Comment: None.

The motion passed without objection.

**9. File No. 11046:** Hearing on complaint filed by Charles Pitts against the Shelter Monitoring Committee for allegedly calling a recess to discuss an item while a meeting was in progress.

Member Knee, seconded by Member Chan, moved to find the Shelter Monitoring Committee in violation of Section 67.14(c) for not audio recording its meetings.

Public Comment: Ray Hartz, Director San Francisco Open Government, said the public should have been given a chance to participate in the discussion Shelter Monitoring Committee analyst Bernice Casey had with a committee member. Peter Warfield, Executive Director of Library Users Association, cited the Brown Act and said the edits done to the document should have been done in front of the public. Jason Grant Garza said the Task Force needs to monitor the situation and not forward it to the Ethics Commission.

The motion, as amended, carried by the following vote:

Ayes: 8 - Snyder, Knee, Manneh, Washburn, Costa, Wolfe, Chan, Johnson

Excused: 1 - Cauthen

Absent: 2 - Knoebber, West

The matter is forwarded to the Education, Outreach and Training Committee.

**10. File No. 11056:** Determination of jurisdiction on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information. (8:24 p.m. - 9:41 p.m.)

Member Knee, seconded by Member Washburn, motioned to find jurisdiction.

Public Comment: None.

The motion passed without objection.

**11. File No. 11056:** Hearing on complaint filed by Allen Grossman against Dennis Herrera and Jack Song of the City Attorney's Office for allegedly not responding to an Immediate Disclosure Request on a timely basis and not responding to a request for public information.

Chair Johnson, seconded by Member Costa, moved to find Jack Song in violation of Sections 67.25(a) for failure to respond to the two IDR requests in a timely manner and 67.21 (c) for not directing the requester to the appropriate office. Dennis Herrera is found in violation of Section 67.26 for not keeping withholding to a minimum and is ordered to produce the documents that explain how the budget is calculated, explain how a baseline is set and used, and how it relates to the Task Force.

Public Comment: Ray Hartz, Director San Francisco Open Government, said if any calculation is based on the prior year the previous year's numbers should be available. Peter Warfield, Executive Director Library Users Association, said the person appearing before the Task Force is not knowledgeable on the issue and the City Attorney's Office is not maintaining its records as the Ordinance states. Jason Grant Garza said baselines for financial situations are the same as baselines for medical purposes Nick Pasquariello wanted to know how Mr. Song knew that the budget is based on an eight-year baseline.

The motion carried by the following vote:

Ayes: 6 - Snyder, Knee, Washburn, Costa, Wolfe, Johnson

Excused: 1 - Cauthen

Absent: 3 - Knoebber, West, Manneh, Chan

The matter is referred to the Compliance and Amendments Committee.

**12. File No. 11058:** Determination of jurisdiction on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records.

The item was not heard because quorum was lost at 9:42 p.m.

**13. File No. 11058:** Hearing on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records.

The item was not heard because quorum was lost at 9:42 p.m.

**14. File No. 11060:** Determination of jurisdiction on complaint filed by Lars Nyman against the Department of Public Works for allegedly failing to produce requested documents.

The item was not heard because quorum was lost at 9:42 p.m.

**15. File No. 11060:** Hearing on complaint filed by Lars Nyman against the Department of Public Works for allegedly failing to produce requested documents.

The item was not heard because quorum was lost at 9:42 p.m.

**16. File No. 11061:** Determination of jurisdiction on complaint filed by Micki Jones against the Fire Department for allegedly failing to give her a copy of a complaint letter that was placed in her personnel records.

Withdrawn.

**17. File No. 11061:** Hearing on complaint filed by Micki Jones against the Fire Department for allegedly failing to give her a copy of a complaint letter that was placed in her personnel records.

Withdrawn.

**18. File No. 11070:** Determination of jurisdiction on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly failing to respond to an Immediate Disclosure Request.

The item was not heard because quorum was lost at 9:42 p.m.

**19. File No. 11070:** Hearing on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly failing to respond to an Immediate Disclosure Request.

The item was not heard because quorum was lost at 9:42 p.m.

**20. File No. 11071:** Determination of jurisdiction on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance.

The item was not heard because quorum was lost at 9:42 p.m.

**21. File No. 11071:** Hearing on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance.

The item was not heard because quorum was lost at 9:42 p.m.

## **22. Supervisor of Records Report**

The item was not heard because quorum was lost at 9:42 p.m.

## **23. Approval of Minutes from the January 4, 2011, special meeting.**

The item was not heard because quorum was lost at 9:42 p.m.

## **24. Approval of Minutes from the January 20, 2011, special meeting.**

The item was not heard because quorum was lost at 9:42 p.m.

## **25. Approval of Minutes from the January 25, 2011, regular meeting.**

The item was not heard because quorum was lost at 9:42 p.m.

## **26. Report: Education, Outreach and Training Committee meeting of October 13, 2011.**

The item was not heard because quorum was lost at 9:42 p.m.

## **27. Report: Compliance and Amendments Committee meeting of October 11, 2011.**

The item was not heard because quorum was lost at 9:42 p.m.

## **28. Administrator's Report.**

The item was not heard because quorum was lost at 9:42 p.m.

## **29. Public Comment (5:31 p.m. - 5:50 p.m.)**

Jason Grant Garza inquired about the process in filing an Immediate Disclosure Request and several other Sunshine Ordinance Task Force procedures. Patrick Monett-Shaw wanted to know if the Task Force would contact the Mayor's Office and inquire what the outcome of the Ethics Commission's referral of Jewelle Gomez would be. Ray Hartz, Director San Francisco Open Government, said he has warned the Ethics Commission not to dismiss Sunshine referrals but to enforce the law and if they did not he would keep reminding of their duties whenever he gets a chance at its meetings. . Peter Warfield, Executive Director

Library Users Association, said if members wanted to have their meeting date changed it could be planned well ahead of schedule to give members a chance to adjust. Allen Grossman said the Task Force needs to review the material that is in the Ethics Commissioners agenda packet for Nov. 14 and be prepared to discuss it extensively. Charles Pitts said the Task Force needs to make sure that all libraries and law offices have the latest edition of the Sunshine Ordinance

**30. Administrator's Report**

The item was not heard because quorum was lost at 9:42 p.m.

**31. Future Agenda Items**

The item was not heard because quorum was lost at 9:42 p.m.

**32. Adjournment**

Having lost quorum at 9:42 p.m. the Task Force did not discuss the remaining agenda items.





**November 8, 2011 - special**

11-04-11P01:58 RVD

**Hearing Room 408  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689**

**GOVERNMENT  
DOCUMENTS DEPT**

**November 8, 2011 - 5:30 PM**

NOV - 4 2011

**Special Meeting**

**SAN FRANCISCO  
PUBLIC LIBRARY**

**1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson (Chair)
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	(Vacant)	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

**2. File No. 11063:** Determination of jurisdiction on complaint filed by Anonymous against John Rahaim of the Planning Department for allegedly violating Ordinance Section 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), 67.15 (Public Testimony), and 67.33 (Department Head Declaration) at a recent Board of Supervisors Land Use Committee meeting. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**3. File No. 11063:** Hearing on complaint filed by Anonymous against John Rahaim of the Planning Department for allegedly violating Ordinance 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), and 67.15 (Public Testimony), and 67.33 (Department Head Declaration) at a recent Board of Supervisors Land Use Committee meeting. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**4. File No. 11064:** Determination of jurisdiction on complaint filed by Anonymous against Michael Yarne of the Office of Economic and Workforce Development for allegedly violating Ordinance Sections 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), and 67.15 (Public Testimony) at a recent Board of Supervisors Land Use Committee meeting. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**5. File No. 11064:** Hearing on complaint filed by Anonymous against Michael Yarne of the Office of Economic and Workforce Development for allegedly violating Ordinance Sections 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), and 67.15 (Public Testimony) at a recent Board of Supervisors Land Use Committee meeting. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**6. File No. 11065:** Determination of jurisdiction on complaint filed by Anonymous against Jennifer Matz of the Office of Economic and Workforce Development for allegedly violating Ordinance Sections 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), 67.15 (Public Testimony), and 67.33 (Department Head Declaration) at a recent Board of Supervisors Land Use Committee meeting. (Public Testimony). (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**7. File No. 11065:** Hearing on complaint filed by Anonymous against Jennifer Matz of the Office of Economic and Workforce Development for allegedly violating Ordinance Sections 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), 67.15 (Public Testimony), and 67.33 (Department Head Declaration) at a recent Board of Supervisors Land Use Committee meeting. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**8. File No. 11066:** Determination of jurisdiction on complaint filed by Anonymous against Deputy City Attorney Charles Sullivan for allegedly violating Ordinance Section 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), 67.15 (Public Testimony), and 67.21 (Access to Public Records) at a recent Board of Supervisors Land Use Committee meeting. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**9. File No. 11066:** Hearing on complaint filed by Anonymous against Deputy City Attorney Charles Sullivan for allegedly violating Ordinance Section 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), 67.15 (Public Testimony), and 67.21 (Access to Public Records) at a recent Board of Supervisors Land Use Committee meeting. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**10. File No. 11067:** Determination of jurisdiction on complaint filed by Anonymous against Deputy City Attorney Cheryl Adams for allegedly violating Ordinance Section 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), 67.15 (Public Testimony), and 67.21 (Access to Public Records) at a recent Board of Supervisors Land Use Committee meeting. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**11. File No. 11067:** Hearing on complaint filed by Anonymous against Deputy City Attorney Cheryl Adams for allegedly violating Ordinance Section 67.7 (Agenda Requirements: Regular Meetings), 67.7-1 (Public Notice Requirements), 67.8 (Agenda Disclosures: Closed Session), 67.15 (Public Testimony), and 67.21 (Access to Public Records) at a recent Board of Supervisors Land Use Committee meeting. (Discussion and Action)

*(attachment) (approximately 30 minutes)*

**12. File No. 11068:** Determination of jurisdiction on complaint filed by Anonymous against the Planning Department for allegedly violating various sections of the Sunshine Ordinance. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**13. File No. 11068:** Determination of jurisdiction on complaint filed by Anonymous against the Planning Department for allegedly violating various sections of the Sunshine Ordinance. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**14. Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction but not on today's agenda. (No Action)

## **15. ADJOURNMENT**

### **Agenda Item Information**

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these document, please contact SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at:  
<http://www.sfbos.org/index.aspx?page=9811>

For information concerning Sunshine Ordinance Task Force please contact by e-mail [sotf@sfgov.org](mailto:sotf@sfgov.org) or by calling (415) 554-7724.

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### **Hearing Procedures**

- |    |   |                      |
|----|---|----------------------|
| 1. | Complainant presents his/her facts and evidence         | 5 minutes            |
|    | Other parties of Complainant present facts and evidence | Up to 3 minutes each |
| 2. | City responds   | 5 minutes            |
|    | Other parties of City respond                           | Up to 3 minutes each |

*Above total speaking times for Complainant and City to be the same.*

- |    |  |                      |
|----|--|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.  |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal   | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.   |                      |
| 6. | Public comment (Excluding Complainant & City response, witnesses)  | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

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**Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Yesterday

sotf@sfgo... Mon 4...  
Changes to Novemb...**Changes to November 8, 2011, SOTF meeting schedule**

sotf@sfgov.org [sotf@sfgov.org]

**Sent:** Monday, November 07, 2011 4:07 PM

The Sunshine Ordinance Task Force's November 8, 2011, special meeting in Rm 406 at 5:30 p.m. is cancelled.

The Compliance and Amendments Committee will met as scheduled in Rm 408 on Tuesday, November 8, 2011.

Chris Rustom  
Sunshine Ordinance Task Force  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689  
OFC: (415) 554-7724  
FAX: (415) 554-7854  
SOTF@sfgov.org

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cancelled

11-08-11A08:08 RCV0

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# November 29, 2011 - special

## Sunshine Ordinance Task Force

Hearing Room 408  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

11-22-11 PM 4:25 RCVD

November 29, 2011 - 4:00 PM

Special Meeting

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### 1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
Seat 2	Richard Knee	Seat 9	Hanley Chan
Seat 3	Sue Cauthen	Seat 10	Hope Johnson (Chair)
Seat 4	Suzanne Manneh	Seat 11	Jackson West
Seat 5	Allyson Washburn		
Seat 6	(Vacant)	Ex-officio	(Vacant)
Seat 7	Jay Costa	Ex-officio	(Vacant)

**2. Changing the time and day of the week the Sunshine Ordinance Task Force holds its regular monthly meetings.** (Discussion and Action)  
(no attachment) (approximately 15 minutes)

**3. Approval of Annual Report to the Board of Supervisors.** (Discussion and Action)  
(attachment) (approximately 15 minutes)

**4. Approval of Minutes from the October 25, 2011 Regular Meeting.** (Action)  
(attachment) (approximately 15 minutes)

**5. File No. 11058:** Determination of jurisdiction on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records. (Discussion and Action)  
(attachment) (approximately 5 minutes)

**6. File No. 11058:** Hearing on complaint filed by Nick Pasquariello against the Film Commission for

allegedly failing to release public records. (Discussion and Action)  
(attachment) (approximately 30 minutes)

7. **File No. 11060:** Determination of jurisdiction on complaint filed by Lars Nyman against the Department of Public Works for allegedly failing to produce requested documents. (Discussion and Action)  
(attachment) (approximately 5 minutes)

8. **File No. 11060:** Hearing on complaint filed by Lars Nyman against the Department of Public Works for allegedly failing to produce requested documents. (Discussion and Action)  
(attachment) (approximately 30 minutes)

9. **File No. 11070:** Determination of jurisdiction on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly failing to respond to an Immediate Disclosure Request. (Discussion and Action)  
(attachment) (approximately 5 minutes)

10. **File No. 11070:** Hearing on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly failing to respond to an Immediate Disclosure Request. (Discussion and Action)  
(attachment) (approximately 30 minutes)

11. **File No. 11081:** Determination of jurisdiction on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly not responding to an Immediate Disclosure Request. (Discussion and Action)  
(attachment) (approximately 5 minutes)

12. **File No. 11081:** Hearing on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly violating certain sections of the Sunshine Ordinance. (Discussion and Action)  
(attachment) (approximately 30 minutes)

13. **File No. 11071:** Determination of jurisdiction on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance. (Discussion and Action)  
(attachment) (approximately 5 minutes)

14. **File No. 11071:** Hearing on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance. (Discussion and Action)  
(attachment) (approximately 30 minutes)

15. **File No. 11072:** Determination of jurisdiction on complaint filed by Anonymous against Supervisor Sean Elsbernd for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)  
(attachment) (approximately 5 minutes)

16. **File No. 11072:** Hearing on complaint filed by Anonymous against Supervisor Sean Elsbernd for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)

*(attachment) (approximately 30 minutes)*

**17. File No. 11073:** Determination of jurisdiction on complaint filed by Anonymous against Supervisor Malia Cohen for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**18. File No. 11073:** Hearing on complaint filed by Anonymous against Supervisor Malia Cohen for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**19. File No. 11074:** Determination of jurisdiction on complaint filed by Anonymous against Supervisor Carmen Chu for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**20. File No. 11074:** Hearing on complaint filed by Anonymous against Supervisor Carmen Chu for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**21. File No. 11075:** Determination of jurisdiction on complaint filed by Anonymous against Supervisor Scott Wiener for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**22. File No. 11075:** Hearing on complaint filed by Anonymous against Supervisor Scott Wiener for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**23. File No. 11076:** Determination of jurisdiction on complaint filed by Anonymous against Supervisor Mark Farrell for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**24. File No. 11076:** Hearing on complaint filed by Anonymous against Supervisor Mark Farrell for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**25. File No. 11077:** Determination of jurisdiction on complaint filed by Anonymous against Supervisor David Chiu for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**26. File No. 11077:** Hearing on complaint filed by Anonymous against Supervisor David Chiu for

allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.  
(Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**27. File No. 11078:** Determination of jurisdiction on complaint filed by Anonymous against John Rahaim of the Planning Department for allegedly violating certain sections of the Sunshine Ordinance.  
(Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**28. File No. 11078:** Hearing on complaint filed by Anonymous against John Rahaim of the Planning Department for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**29. File No. 11079:** Determination of jurisdiction on complaint filed by Anonymous against Deputy City Attorney Cheryl Adams for allegedly violating certain sections of the Sunshine Ordinance. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**30. File No. 11079:** Hearing on complaint filed by Anonymous against Deputy City Attorney Cheryl Adams for allegedly violating certain sections of the Sunshine Ordinance. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**31. File No. 11080:** Determination of jurisdiction on complaint filed by Anonymous against Deputy City Charles Sullivan for allegedly violating certain sections of the Sunshine Ordinance. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**32. File No. 11080:** Hearing on complaint filed by Anonymous against Deputy City Attorney Charles Sullivan for allegedly not responding to an Immediate Disclosure Request. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**33. File No. 11085:** Determination of jurisdiction on complaint filed by Library Users Association against the Arts Commission for not providing the draft minutes of a meeting. (Discussion and Action)  
*(attachment) (approximately 5 minutes)*

**34. File No. 11085:** Hearing on complaint filed by Library Users Association against the Arts Commission for not providing the draft minutes of a meeting. (Discussion and Action)  
*(attachment) (approximately 30 minutes)*

**35. Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction, but not on today's agenda. (No Action)

**36. Announcements, Comments, Questions, and Future Agenda Items** (No Action)

**37. ADJOURNMENT**

### Agenda Item Information

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these document, please contact SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

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- |    |   |                      |
|----|---|----------------------|
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*Above total speaking times for Complainant and City to be the same.*

- |    |   |           |
|----|---|-----------|
| 3. | Matter is with the Task Force for discussion and questions. |           |
| 4. | Respondent and Complainant presents clarification/rebuttal  | 3 minutes |
| 5. | Matter is with the Task Force for motion and deliberation.  |           |

6. Public comment (Excluding Complainant & City response, witnesses) Up to 3 minutes each
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## November 29, 2011 - draft

SUNSHINE ORDINANCE TASK FORCE  
CITY AND COUNTY OF SAN FRANCISCO  
Draft MINUTESHearing Room 408  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

November 29, 2011 - 4:00 PM

## Special Meeting

**Members:** Hope Johnson (Chair), Bruce Wolfe (Vice-Chair)  
David Snyder, Richard Knee, Sue Cauthen, Suzanne Manneh,  
Allyson Washburn, Jay Costa, Hanley Chan, Jackson West

**1. Call to Order, Roll Call and Agenda Changes (4:00 p.m. - 4:02 p.m.)**

The meeting was called to order at 4:02 p.m. On the call of the roll, Member Manneh, Member Costa and Member West were noted absent. Member Manneh was noted present at 4:07 p.m. Member West was noted present at 4:10 p.m. Member Chan was noted absent at 7:30 p.m. Member Cauthen was noted absent at 8:30 p.m.

Member Wolfe, seconded by Member Washburn, moved to excuse Member Costa.

Public Comment: Jason Grant Garza said Task Force members should attend all meetings in order to serve the community well.

The motion passed without objection.

**2. Changing the time and day of the week the Sunshine Ordinance Task Force holds its regular monthly meetings (4:35 p.m. - 4:40 p.m.)**

Chair Johnson moved to continue the item to the December 14 meeting.

Public Comment: Peter Warfield, Executive Director of the Library Users Association, suggested delaying the move to the new schedule so that members can adjust their schedules accordingly.

The motion passed without objection.

**3. Approval of Annual Report to the Board of Supervisors (4:40 p.m. - 4:53 p.m.)**

Member Cauthen, seconded by Member Knee motioned to move the item to the December 14 meeting.

Public Comment: Peter Warfield, Executive Director of the Library Users Association, said the issue of serial violators, long term issues and the 45-day requirement should also be included in the report.

The motion passed without objection.

**4. Approval of Minutes from the October 25, 2011 Regular Meeting (4:40 p.m. - 4:53 p.m.)**

Member Cauthen, seconded by Member Knee motioned to move the item to the December 14 meeting.

Public Comment: Peter Warfield, Executive Director of the Library Users Association, said he may not be able to attend the December 14 meeting but supports to motion because the document was not in the packet.

The motion passed without objection.

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**5. File No. 11058: Determination of jurisdiction on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records (4:41 p.m. - 5:25 p.m.)**

Member Washburn, seconded by Vice Chair Wolfe, motioned to find jurisdiction.

Public Comment: None.

The motion was passed without objection.

**6. File No. 11058: Hearing on complaint filed by Nick Pasquariello against the Film Commission for allegedly failing to release public records**

Member Washburn, seconded by Member Knee, motioned to find the Film Commission in violation of Sections 67.26 for withholding records and 67.27 for not providing justification for the withholding.

Public Comment: Allen Grossman said there was no expectation of privacy when somebody applies for a permit. Peter Warfield, Executive Director of the Library Users Association, said various state and local laws allow for the redaction of certain information and the respondent in this case did not cite any.

The motion, as amended, carried by the following vote:

Ayes: 9 – Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, Chan, West, Johnson

Excused: 1 – Costa

Chair Johnson referred the matter to the Compliance and Amendments Committee.

**7. File No. 11060: Determination of jurisdiction on complaint filed by Lars Nyman against the Department of Public Works for allegedly failing to produce requested documents. (7:57 p.m. - 8:05 p.m.)**

Member Manneh, seconded by Member Washburn, motioned to find jurisdiction.

Public Comment: None.

The motion was passed without objection.

**8. File No. 11060: Hearing on complaint filed by Lars Nyman against the Department of Public Works for allegedly failing to produce requested documents.**

The complainant was not present. There was no one in the audience to present facts and evidence in support of the complainant. Frank Lee represented the Department of Public Works.

Chair Johnson, seconded by Vice Chair Wolfe, motioned to dismiss the complaint.

Public Comment: None.

The motion carried on the following vote:

Ayes: 8 – Snyder, Knee, Cauthen, Manneh, Washburn, Wolfe, West, Johnson

Excused: 1 – Costa

Absent: 1 – Chan

**9. File No. 11070: Determination of jurisdiction on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly failing to respond to an Immediate Disclosure Request. (8:05 p.m. - 9:34 p.m.)**

Vice Chair Wolfe, seconded by Member Manneh, motioned to find jurisdiction.

Public Comment: None.

The motion was passed without objection.

**10. File No. 11070: Hearing on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly failing to respond to an Immediate Disclosure Request.**

Complainant Jason Grant Garza presented his case. The Department of Public Health was represented by Public Information Officer Eileen Shields, Compliance Officer Chona Peralta and Privacy Officer Dr. Alice Clegghorn

Vice Chair Wolfe motioned to find the department in violation of Section 67.27(d) for withholding the records. The motion died for lack of a second.

Matter concluded.

Member Snyder, seconded by Member Knee motioned to reopen the matter for public comment.

Public Comment: Peter Warfield said regardless of content, all documents are public records and subject to disclosure. Ray Hartz, Director San Francisco Open Government, said the Library Commission took 25 days to produce 13 in response to an Immediate Disclosure Request.

Vice Chair Wolfe motioned to find the department in violation of Section 67.27(d) for withholding the records. The motion died for lack of a second.

Matter concluded.

Chair Johnson called for a brief recess.

**11. File No. 11081: Determination of jurisdiction on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly not responding to an Immediate Disclosure Request. (9:43 p.m. - 10:23 p.m.)**

Vice Chair Wolfe, seconded by Member Knee, motioned to find jurisdiction.

Public Comment: None.

The motion was passed without objection.

**12. File No. 11081: Hearing on complaint filed by Jason Grant Garza against the Department of Public Health for allegedly not responding to an Immediate Disclosure Request.**

Complainant Jason Grant Garza presented his case. The Department of Public Health was represented by Public Information Officer Eileen Shields, Compliance Officer Chona Peralta and Privacy Officer Dr. Alice Clegghorn

Chair Johnson, seconded by Member Washburn, motioned to find the department in violation of Sections 67.21 (c) for failing to assist a requestor, 67.25(a) for failure to respond to an Immediate Disclosure Request and 67.27 for not providing a justification for withholding records.

Public Comment: None.

The motion carried on the following vote:

Ayes: 6 – Snyder, Knee, Washburn, Wolfe, West, Johnson

Excused: 1 – Costa

Absent: 3 – Cauthen, Manneh, Chan

The matter was forwarded to the Compliance and Amendments Committee where the issue of the medical record would continue to be discussed.

**13. File No. 11071: Determination of jurisdiction on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance. (10:24 p.m. - 10:41 p.m.)**

Vice Chair Wolfe, seconded by Member Knee, motioned to find jurisdiction.

Public Comment: None.

The motion was passed without objection.

**14. File No. 11071: Hearing on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance.**

Member Knee, seconded by Member Washburn, motioned to move the item to the next meeting.

Public Comment: Peter Warfield said the matter should be heard and not to delay the complainant by postponing the case.

Vice Chair Wolfe, seconded by Member Snyder, motioned to hear #11085 before #11071.

Public Comment: Peter Warfield wanted to know what would happen if time ran out and a decision on his complaint had not been reached.

Member Knee, seconded by Member Washburn, motioned to continue Items 14, 33 and 34.

Public Comment: Zoe Taleporos of the Arts Commission said the agenda should be limited to a certain number of cases because it is unconscionable to have people sit from 4 p.m. to 11 p.m. and yet have their item not heard. Ray Hartz said the Task Force needs to do what it needs to do to hear the complaints. Peter Warfield said he appreciates the time the Task Force spends to try and do justice to the complainants.

The motion carried on the following vote:

Ayes: 5 – Snyder, Knee, Washburn, West, Johnson

Noes: 1 – Wolfe

Excused: 1 – Costa

Absent: 3 – Cauthen, Manneh, Chan

**15. File No. 11072: Determination of jurisdiction on complaint filed by Anonymous against Supervisor Sean Elsbernd for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting. (6:44 p.m. - 7:56 p.m.)**

Member Knee, seconded by Vice Chair Wolfe, motioned to find jurisdiction.

Public Comment: None.

The motion passed without objection.

**16. File No. 11072: Hearing on complaint filed by Anonymous against Supervisor Sean Elsbernd for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.**

Pastor Gavin presented her complaint. The respondent was not present. There was no one in the audience to present facts and evidence in support of the respondent.

No motion was made.

Public Comment: Ray Hartz, Director San Francisco Open Government, said Supervisor Elsbernd should have taken his fellow Supervisor's and constituents' concerns into consideration and should have voted against the ParkMerced Development Agreement. Jason Grant Garza said the non-appearance of a knowledgeable represent from the respondent's is a Sunshine violation.

Chair Johnson announced that the matter was concluded.

Member Knee, seconded by Member Manneh, motioned to reopen the matter to allow Vice Chair Wolfe to make a motion

Public Comment: None.

The motion passed without objection.

No motion was made.

Chair Johnson announced that the matter was concluded.

**17. File No. 11073: Determination of jurisdiction on complaint filed by Anonymous against Supervisor Malla Cohen for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.**

Continued.

**18. File No. 11073: Hearing on complaint filed by Anonymous against Supervisor Malla Cohen for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.**

Continued.

**19. File No. 11074: Determination of jurisdiction on complaint filed by Anonymous against Supervisor Carmen Chu for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.**

Member Washburn, seconded by Member Knee, motioned to find Jurisdiction.

Public Comment: None.

The motion passed without objection

**20. File No. 11074: Hearing on complaint filed by Anonymous against Supervisor Carmen Chu for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.**

Pastor Gavin presented her complaint. Seven members of the public spoke in support of Pastor Gavin. Gillian Gillette, legislative aide to Supervisor Scott Weiner read a statement from Supervisor Carmen Chu.

No motion was made.

Public Comment: Jason Grant Garza said public officials should be held responsible for their actions.

Matter concluded.

**21. File No. 11075: Determination of jurisdiction on complaint filed by Anonymous against Supervisor Scott Wiener for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.**

Continued.

**22. File No. 11075: Hearing on complaint filed by Anonymous against Supervisor Scott Wiener for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.**

Continued.

**23. File No. 11076: Determination of jurisdiction on complaint filed by Anonymous against Supervisor Mark Farrell for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.**

Continued.

**24. File No. 11076: Hearing on complaint filed by Anonymous against Supervisor Mark Farrell for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.**

Continued.

**25. File No. 11077: Determination of jurisdiction on complaint filed by Anonymous against Supervisor David Chiu for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.**

Continued.

**26. File No. 11077: Hearing on complaint filed by Anonymous against Supervisor David Chiu for allegedly violating certain sections of the Sunshine Ordinance at a recent Board of Supervisors meeting.**

Continued.

**1. File No. 11078: Determination of jurisdiction on complaint filed by Anonymous against John Rahaim of the Planning Department for allegedly violating certain sections of the Sunshine Ordinance.)**

Continued.

**2. File No. 11078: Hearing on complaint filed by Anonymous against John Rahaim of the Planning Department for allegedly violating certain sections of the Sunshine Ordinance.**

Continued.

**3. File No. 11079: Determination of jurisdiction on complaint filed by Anonymous against Deputy City Attorney Cheryl Adams for allegedly violating certain sections of the Sunshine Ordinance.**

Continued.

**4. File No. 11079: Hearing on complaint filed by Anonymous against Deputy City Attorney Cheryl Adams for allegedly violating certain sections of the Sunshine Ordinance.**

Continued.

**5. File No. 11080: Determination of jurisdiction on complaint filed by Anonymous against Deputy City Charles Sullivan for allegedly violating certain sections of the Sunshine Ordinance.**

Continued.

**6. File No. 11080: Hearing on complaint filed by Anonymous against Deputy City Charles Sullivan for allegedly violating certain sections of the Sunshine Ordinance.**

Continued.

**7. File No. 11085: Determination of jurisdiction on complaint filed by Library Users Association against the Arts Commission for not providing the draft minutes of a meeting.**

Continued.

**8. File No. 11085: Hearing on complaint filed by Library Users Association against the Arts Commission for not providing the draft minutes of a meeting.**

Continued.

**9. Public Comment (5:22 p.m. - 5:36 p.m.)**

Ray Hartz, Director, San Francisco Open Government appealed to the Task Force to forward his complaint in #10050\_Ray Hartz v Police Commission to the Ethics Commission. (submits summary) Jason Grant Garza said the Chair and Administrator of the Task Force do not respond to his emails on the 45-day rule. Randall Panter said the 45-day rule allows a committee not to take action immediately. Peter Warfield, Executive Director of the Library Users Association, said the Task Force needs to take care of the complaints promptly and make it visible to the public. Allen Grossman said the Task Force needs to review the administrative support it gets because Mr. Rustom has taken an inordinate amount of time off and in his absence the Clerk has not provided adequate coverage. Chair Johnson called a brief recess.

**10. Announcement, Comments, Questions, and Future Agenda Items (10:36 p.m. - 10:50 p.m.)**

Vice Chair Wolfe suggested having all jurisdictional items to be called first to see who is present and who is absent. It would also allow the parties to leave and come back at an estimated time. Chair Johnson instructed Mr. Rustom to forward all emails from both parties who say they will not be attending the meetings.

Public Comment: Ray Hartz said he would prefer to have \$10054 brought back before the Task Force. Peter Warfield said the administrator did not promptly forward him the Arts Commission's response to a recent complainant and requested that all emails from respondents be forward electronically.

**11. Adjournment**

With time being close to City Hall closing hour, the Task Force adjourned at 10:53 p.m.

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## December 14, 2011 - special

# SUNSHINE ORDINANCE TASK FORCE CITY AND COUNTY OF SAN FRANCISCO AGENDA

Hearing Room 406

City Hall, 1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102-4689

December 14, 2011 – 5:30 PM

Special Meeting

**1. CALL TO ORDER, ROLL CALL, AND AGENDA CHANGES**

Seat 1	David Snyder	Seat 8	Bruce Wolfe (Vice Chair)
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Seat 2	Richard Knee	Seat 9	Hanley Chan
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Seat 3	Sue Cauthen	Seat 10	Hope Johnson (Chair)
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Seat 4	Suzanne Manneh	Seat 11	Jackson West
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Seat 5	Allyson Washburn		
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Seat 6	(Vacant)	Ex-officio	(Vacant)
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Seat 7	Jay Costa	Ex-officio	(Vacant)
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SAN FRANCISCO  
PUBLIC LIBRARY**2. Approval of the Task Force's Annual Report to the Board of Supervisors.** (Discussion and Action)*(attachment) (approximately 15 minutes)***3. Approval of Minutes from the October 25, 2011 Regular Meeting.** (Action)*(attachment) (approximately 15 minutes)***4. Approval of Minutes from the November 29, 2011 Regular Meeting.** (Action)*(attachment) (approximately 15 minutes)*

**5. File No. 11007:** The Compliance and Amendments Committee has recommended to the Task Force that both parties in #11007\_William Clark v Arts Commission recreate in print the missing part in an audio recording of an Arts Commission meeting and make it part of the official meeting minutes.

(Discussion and Action)

*(no attachment) (approximately 15 minutes)*

**6. File No. 11071:** Determination of jurisdiction on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance.

(Discussion and Action)



*(attachment) (approximately 5 minutes)*

**7. File No. 11071:** Hearing on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance. (Discussion and Action)

*(attachment) (approximately 30 minutes)*

**8. File No. 11084:** Determination of jurisdiction on complaint filed by Library Users Association against the Arts Commission for not providing an audio recording of a meeting. (Discussion and Action)

*(attachment) (approximately 5 minutes)*

**9. File No. 11084:** Hearing on complaint filed by Library Users Association against the Arts Commission for not providing an audio recording of a meeting. (Discussion and Action)

*(attachment) (approximately 30 minutes)*

**10. File No. 11085:** Determination of jurisdiction on complaint filed by Library Users Association against the Arts Commission for not providing the draft minutes of a meeting. (Discussion and Action)

*(attachment) (approximately 5 minutes)*

**11. File No. 11085:** Hearing on complaint filed by Library Users Association against the Arts Commission for not providing the draft minutes of a meeting. (Discussion and Action)

*(attachment) (approximately 30 minutes)*

**12. File No. 11082:** Determination of jurisdiction on complaint filed by Anonymous against Caroline Celaya of the San Francisco Municipal Transportation Agency for allegedly not responding in a timely manner to a public records request. (Discussion and Action)

*(attachment) (approximately 5 minutes)*

**13. File No. 11082:** Hearing on complaint filed by Anonymous against Caroline Celaya of the San Francisco Municipal Transportation Agency for allegedly not responding in a timely manner to a public records request. (Discussion and Action)

*(attachment) (approximately 30 minutes)*

**14. File No. 11034:** Continued hearing on complaint filed by Frank McDowell against the San Francisco Municipal Transportation Agency for allegedly not providing documents associated with a drive cam. (Discussion and Action)

*(attachment) (approximately 5 minutes)*

**15. File No. 11083:** Determination of jurisdiction on complaint filed by Ray Hartz against the Public Library for allegedly violating Ordinance Sections 67.21(c), (d) and (e). (Discussion and Action)

*(attachment) (approximately 5 minutes)*

**16. File No. 11083:** Hearing on complaint filed by Ray Hartz against the Public Library for allegedly violating Ordinance Sections 67.21(c), (d) and (e). (Discussion and Action)

*(attachment) (approximately 30 minutes)*

**17. Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF)

on matters that are within SOTF's jurisdiction but not on today's agenda. (No Action)

**18. Supervisor of Records Report to the Task Force** (Discussion and Action)  
(attachment) (approximately 30 minutes)

**19. Administrator's Report** (Discussion and Possible Action)  
(attachment) (approximately 5 minutes)

**20. Announcements, Comments, Questions, and Future Agenda Items** (No Action)

**21. ADJOURNMENT**

### **Agenda Item Information**

Each item on the agenda may include: 1) Department or Agency cover letter and/or report; 2) Public correspondence; 3) Other explanatory documents. For more information concerning agendas, minutes, and meeting information, such as these documents, please contact SOTF Clerk, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Audio recordings of the meeting of the Sunshine Ordinance Task Force are available at:  
<http://www.sfbos.org/index.aspx?page=9811>

For information concerning Sunshine Ordinance Task Force please contact by e-mail [sotf@sfgov.org](mailto:sotf@sfgov.org) or by calling (415) 554-7724.

### **Public Comment**

Public Comment will be taken before or during the Committee's consideration of each agenda item. Speakers may address the Task Force for up to three minutes on that item. During General Public Comment, members of the public may address the Task Force on matters that are within the Task Force's jurisdiction and are not on the agenda. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the official file.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

Each member of the public who is unable to attend the public meeting or hearing may submit to the City, by the time the hearing begins, written comments regarding the subject of the meeting or hearing;. These comments will be made a part of the official public record.

### **Hearing Procedures**

- |   |                      |
|---|----------------------|
| 1. Complainant presents his/her facts and evidence      | 5 minutes            |
| Other parties of Complainant present facts and evidence | Up to 3 minutes each |

- |    |                               |                      |
|----|-------------------------------|----------------------|
| 2. | City responds                 | 5 minutes            |
|    | Other parties of City respond | Up to 3 minutes each |
- Above total speaking times for Complainant and City to be the same.*
- |    |  |                      |
|----|--|----------------------|
| 3. | Matter is with the Task Force for discussion and questions.  |                      |
| 4. | Respondent and Complainant presents clarification/rebuttal   | 3 minutes            |
| 5. | Matter is with the Task Force for motion and deliberation.   |                      |
| 6. | Public comment (Excluding Complainant & City response, witnesses)  | Up to 3 minutes each |
| 7. | Vote by Task Force (Public comment at discretion of chair on new motion and/or on new motion if vote fails.) |                      |

Note: Time must be adhered to. If a speaker is interrupted by questions, the interruption does not count against his/her time.

#### **Disability Access**

The hearing rooms in City Hall are wheelchair accessible. Assistive listening devices for the hearing rooms are available upon request with the SOTF Clerk. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness Stations). MUNI bus lines also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information about MUNI accessible services, call (415) 701-4485. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex. Accessible curbside parking is available on Dr. Carlton B. Goodlett Place and Grove Street.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact SOTF Clerk at (415) 554-7724 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

#### **Know Your Rights Under the Sunshine Ordinance**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This

ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton b. Goodlett Place, Room 244, San Francisco, CA 94102; phone at (415) 554-7724; fax at (415) 554-7854; or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org).

Citizens may obtain a free copy of the Sunshine Ordinance by printing Chapter 37 of the San Francisco Administrative Code on the Internet , at <http://www.sfbos.org/sunshine>.

### **Cell Phones, Pagers and Similar Sound-Producing Electronic Devices**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 581-3100; fax (415) 252-3112; web site [www.sfgov.org/ethics](http://www.sfgov.org/ethics).



CITY & COUNTY OF SAN FRANCISCO

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December 14, 2011 - special

**SUNSHINE ORDINANCE TASK FORCE  
CITY AND COUNTY OF SAN FRANCISCO  
Draft MINUTES  
Hearing Room 408  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689  
December 14, 2011 - 5:30 PM  
Special Meeting**

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**Members:** Hope Johnson (Chair), Bruce Wolfe (Vice-Chair)  
David Snyder, Richard Knee, Sue Cauthen, Suzanne Manneh,  
Allyson Washburn, Jay Costa, Hanley Chan, Jackson West

**1. Call to Order, Roll Call and Agenda Changes. (5:30 p.m. - 5:35 p.m.)**

The meeting was called to order at 5:33 p.m. Vice-Chair Wolfe, and Members Snyder, Costa and Chan were noted absent. Member Costa was noted present at 5:37 p.m. Member Snyder was noted present at 5:50 p.m. Vice-Chair Wolfe was noted present at 6:54 p.m.

Member Cauthen motioned to excuse Member Chan. There was no second. Motion dies.

Chair Johnson moved Item 18 Supervisor of Records Report to the Task Force to the top of the agenda.

Public Comment: None.

**2. Approval of the Task Force's Annual Report to the Board of Supervisors. (5:53 p.m. - 6:03 p.m.)**

Chair Johnson said parts of the report has been rewritten and wanted to give the public more time to review it.

Member Knee, seconded by Member Washburn, motioned to continue the item to the January 3, 2012, meeting.

Public Comment: Tomas Picarello said the opinions of all Task Force members should be included in the report and that he was against continuing it. Ray Hartz, Director San Francisco Open Government, said continuing it would allow the Task Force to free up the backlog of complaints that could be heard in its place. Peter Warfield, Executive Director and co-founder of Library Users Association, said changes to the document need to be visible to allow the public to see what was recommended and suggested.

The motion carried by the following vote:

Ayes: 7 - Snyder, Knee, Cauthen, Manneh, Washburn, West, Johnson

Noes: 1 - Costa

Absent: 2 - Wolfe, Chan

**3. Approval of Minutes from the October 25, 2011 Regular Meeting. (6:03 p.m. - 6:12 p.m.)**

Member Knee, seconded by Member West, motioned to continue the item to the January 3, 2012, meeting.

Public Comment: Tomas Picarello said another complaint against the Clerk's Office should help solve the continuing issue of the Task Force's incomplete minutes.

The motion carried by the following vote:

Ayes: 8 - Snyder, Knee, Cauthen, Manneh, Washburn, Costa, West, Johnson

Absent: 2 - Wolfe, Chan

**4. Approval of Minutes from the November 29, 2011 Regular Meeting. (6:12 p.m. - 6:13 p.m.)**

Member Knee, seconded by Member Washburn, motioned to continue the item to the January 3, 2012, meeting.

Public Comment: None.

The motion carried by the following vote:

Ayes: 8 – Snyder, Knee, Cauthen, Manneh, Washburn, Costa, West, Johnson  
Absent: 2 – Wolfe, Chan

5. **File No. 11008:** The Compliance and Amendments Committee has recommended to the Task Force that both parties in #11008\_William Clark v Arts Commission recreate in print the missing part in an audio recording of an Arts Commission meeting and make it part of the official meeting minutes. (6:13 p.m. - 6:50 p.m.)

Complainant William Clark asked that Howard Lazar of the Arts Commission be found in willful failure and official misconduct for casting doubt on the authenticity of the audio recording. Julius Mantos of the Arts Commission said Mr. Lazar would recreate the missing dialogue and present it to the Street Artists Committee as the Compliance and Amendments Committee had ruled. The Task Force, he said, would be informed of the steps taken.

Chair Johnson, seconded by Member Costa, motioned to find Mr. Lazar in violation of Sections 67.14(c) for tampering with the audio recording, 67.16 for failure to include the missing dialogue in the minutes, and 67.21(e) for failure to send a knowledgeable representative. The Task Force instructs the Arts Commission to search for an electronic copy of the file to extract what both parties say is missing in the audio, and for the Arts Commission to work with the Clarks to include the missing verbal exchange in the minutes.

Public Comment: Ray Hartz, Director San Francisco Open Government, said if the minutes were based on the recording the minutes would be incorrect and a violation would have occurred if the minutes had been approved. Tomas Picarello said the Task Force needs to consider the Compliance and Amendments Committee's recommendation as described in the agenda, and not rehear the complaint. Jack Song of the City Attorney's Office noted that the audio recording of one of the Task Force's meetings was also incomplete.

Chair Johnson, with Member Costa's support, withdraws motion based on Mr. Picarello's comment.

Public Comment: None.

Member Washburn, seconded by Member Costa, motioned to continue the matter to the January 3, 2011, meeting.

The motion carried by the following vote:

Ayes: 8 – Snyder, Knee, Cauthen, Manneh, Washburn, Costa, West, Johnson  
Absent: 2 – Wolfe, Chan

6. **File No. 11071:** Determination of jurisdiction on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance. (6:50 p.m. - 6:51 p.m.)

Member Washburn, seconded by Member Manneh, motioned to find jurisdiction.

Public Comment: None.

The motion passed without objection.

7. **File No. 11071:** Hearing on complaint filed by Ray Hartz against Dennis Herrera of the City Attorney's Office for allegedly advising City Departments to violate the Sunshine Ordinance. (6:52 p.m. - 8:14 p.m.)

Complainant Ray Hartz presented his claim. Jack Song of the City Attorney's Office provided the response.

Member Costa said he had two motions to offer.

Member Costa, seconded by Member Washburn, motioned to inform all City departments and agencies that the Task Force finds that under Section 67.15, a 150-word statement has to be in the minutes, and that acting on the City Attorney's advice that says the statements may be attached to the minutes violates the Sunshine Ordinance.

Public Comment: Tomas Picarello said he was against the motion because the Ordinance does not indicate what needs to be done if the City Attorney's Office disagrees with the Task Force's Order of Determination and that the issue should be brought to the attention of the Board of Supervisors. Peter Warfield, Executive Director and co-founder of Library Users Association, said the department or its representative has a purpose for denying access to public documents and the City Attorney's Office should not assist in the effort.

The motion carried by the following vote:

Ayes: 7 – Snyder, Cauthen, Manneh, Washburn, Costa, West, Johnson  
Noes: 2 – Knee, Wolfe  
Absent: 1 – Chan

Member Costa, seconded by Member Washburn, motioned to find the City Attorney's Office in violation of Section 67.21(i), for not protecting and securing the rights of the people of San Francisco to access public information and for acting as a legal counsel for a city employee or any person having custody of any public record for purposes of denying access to the public.

Public Comment: Peter Warfield, Executive Director and co-founder of Library Users Association, said departments and employees can ignore the City Attorney's advice and that the 150-word statement is a verification of the speaker's thinking as opposed to what the department thinks the speaker said. Tomas Picarello said he opposes the motion and noted that kangaroo courts do not base their decisions on legal grounds but on their emotional reaction to the issues before them.

The motion carried by the following vote:

Ayes: 6 – Cauthen, Manneh, Washburn, Costa, Wolfe, West

Noes: 3 – Snyder, Knee, Johnson  
Absent: 1 – Chan

**8. File No. 11084:** Determination of jurisdiction on complaint filed by Library Users Association against the Arts Commission for not providing an audio recording of a meeting. (8:22 p.m. - 8:30 p.m.)

Member Manneh, seconded by Member Knee, motioned to find jurisdiction.

Public Comment: None.

The motion passed without objection.

**9. File No. 11084:** Hearing on complaint filed by Library Users Association against the Arts Commission for not providing an audio recording of a meeting. (8:30 p.m. - 9:10 p.m.)

Complainant Peter Warfield, Executive Director and co-founder of Library Users Association, presented his claim. Ray Hartz, Director San Francisco Open Government, spoke in support of Mr. Warfield. Susan Pontious, Director of the Civic Art Collection and the Public Art Program, provided the response.

Vice Chair Wolfe, seconded by Member Knee, motioned to find the Arts Commission in violation of Section 67.14(c) for failing to record meetings of the Visual Arts Committee which is a policy body under Section 67.3(d)(4)(5), and to send a letter to the City Attorney's Office regarding the enforcement of Section 67.14(c).

Public Comment: None.

The motion carried by the following vote:

Ayes: 9 – Snyder, Knee, Cauthen, Manneh, Washburn, Costa, Wolfe, West, Johnson  
Absent: 1 – Chan

The matter is forwarded to the Education, Outreach and Training Committee.

**10. File No. 11085:** Determination of jurisdiction on complaint filed by Library Users Association against the Arts Commission for not providing the draft minutes of a meeting. (9:10 p.m. - 9:12 p.m.)

Member Knee, seconded by Member Washburn, motioned to find jurisdiction.

Public Comment: None.

The motion passed without objection.

**11. File No. 11085:** Hearing on complaint filed by Library Users Association against the Arts Commission for not providing the draft minutes of a meeting. (9:12 p.m. - 9:38 p.m.)

Complainant Peter Warfield, Executive Director and co-founder of Library Users Association, presented his claim. Susan Pontious, Director of the Civic Art Collection and the Public Art Program, provided the response.

Member Knee, seconded by Member Costa, motioned to find the Arts Commission in violation of Sections 67.16 for not releasing the draft minutes, 67.21(a) & (b) for failure to provide requested records, 67.26 for not keeping withholding to a minimum, and 67.27 for not justifying the withholding.

Public Comment: Ray Hartz, Director San Francisco Open Government, said he recently attended an Arts Commission meeting and found that they were lacked knowledge of the Sunshine Ordinance.

The motion carried by the following vote:

Ayes: 9 – Snyder, Knee, Cauthen, Manneh, Washburn, Costa, Wolfe, West, Johnson  
Absent: 1 – Chan

The matter is forwarded to the Education, Outreach and Training Committee.

**12. File No. 11082:** Determination of jurisdiction on complaint filed by Anonymous against Caroline Celaya of the San Francisco Municipal Transportation Agency for allegedly not responding in a timely manner to a public records request. (9:38 p.m. - 9:39 p.m.)

Member Knee, seconded by Vice Chair Wolfe, motioned to continue the item to the January 3, 2012, meeting.

Public Comment: None.

The motion passed without objection.

**13. File No. 11082:** Hearing on complaint filed by Anonymous against Caroline Celaya of the San Francisco Municipal Transportation Agency for allegedly not responding in a timely manner to a public records request. (9:39 p.m. - 9:39 p.m.)

Continued to January 3, 2012, meeting.

**14. File No. 11034:** Continued hearing on complaint filed by Frank McDowell against the San Francisco Municipal Transportation Agency for allegedly not providing documents associated with a drive cam. (9:39 p.m. - 9:43 p.m.)



The Complainant was not present. No one in the audience presented facts and evidence on behalf of the Complainant. An SFMTA representative was present.

Member Snyder, seconded by Member Manneh, motioned to dismiss the matter.

The motion carried by the following vote:

Ayes: 9 – Snyder, Knee, Cauthen, Manneh, Washburn, Costa, Wolfe, West, Johnson

Absent: 1 – Chan

**15. File No. 11083:** Determination of jurisdiction on complaint filed by Ray Hartz against the Public Library for allegedly violating Ordinance Sections 67.21(c), (d) and (e). (9:44 p.m. - 9:44 p.m.)

Member Knee, seconded by Member Manneh, motioned to find jurisdiction.

Public Comment: None.

The motion passed without objection.

**16. File No. 11083:** Hearing on complaint filed by Ray Hartz against the Public Library for allegedly violating Ordinance Sections 67.21(c), (d) and (e). (9:44 p.m. - 10:57 p.m.)

Ray Hartz, Director San Francisco Open Government, presented his claim. Sue Blackman of the Public Library provided the response.

Vice Chair Wolfe, seconded by Member Knee, motioned to find City Librarian Luis Herrera in violation of Sections 67.21 (b) & (c) for failure to provide requested records and 67.26 for not keeping withholding to a minimum.

Public Comment: Peter Warfield, Executive Director and co-founder of Library Users Association, said Ms. Blackman's title as Custodian of Records prevents the public to talk to employees who really know the issue at hand, in this case the chief financial officer who would know in detail the financial relationship between the Library and the Friends of the Library.

The motion carried by the following vote:

Ayes: 7 – Knee, Manneh, Washburn, Costa, Wolfe, West, Johnson

Noes: 2 – Snyder, Cauthen

Absent: 1 – Chan

The matter is referred to the Compliance and Amendments Committee.

**17. Public Comment:** Members of the public may address the Sunshine Ordinance Task Force (SOTF) on matters that are within SOTF's jurisdiction but not on today's agenda. (10:58 p.m. - 10:59 p.m.)

Peter Warfield, Executive Director and co-founder of Library Users Association, thanked the Task Force and said he appreciates what it does for the public whose only intention is to get some information. Ray Hartz, Director San Francisco Open Government, also thanked the Task Force for what it does. He also said the Ethics Commission's response to his complaint on the 150-word statement was proof that it did not want public input in their minutes.

**18. Supervisor of Records Report to the Task Force.** (5:35 p.m. - 5:53 p.m.)

Deputy City Attorney Paula Jesson presented the report on the petitions made by citizens during October 1, 2009, and September 30, 2010.

Chair Johnson, seconded by Member Cauthen, motioned to accept the report.

Public Comment: Ray Hartz, Director San Francisco Open Government, said the City Attorney's Office always denies access to records by claiming attorney-client privilege. Peter Warfield, Executive Director and co-founder of Library Users Association, said the report needs to show the time it takes for the City Attorney's Office to respond to a request. Tomas Picarello said he cannot give meaningful public comment because he did not have access to the document.

The motion carried by the following vote:

Ayes: 8 – Snyder, Knee, Cauthen, Manneh, Washburn, Costa, West, Johnson

Absent: 2 – Wolfe, Chan

**19. ADJOURNMENT (11:00 p.m.)**











